

ANTONIO PELLETIER.

[To accompany bill H. R. 3195.]

MEMORIAL OF ANTONIO PELLETIER.

JANUARY 21, 1873.—Ordered to be printed and recommitteed to the Committee on Foreign Affairs.

The memorial of Antonio Pelletier, an American citizen, a native of France, duly naturalized in the United States, respectfully represents :

That your memorialist has suffered grievous wrongs from the government of the republic of Hayti, countenanced and aided by G. E. Hubbard, commercial agent of the United States at Cape Haytien, in said republic, during the year 1861, the said wrongs consisting of a protracted and oppressive imprisonment, and consequent injury to health and constitution, a pretended conviction of infamous crimes, in disregard of law and without evidence, and spoliation of property to a large amount.

The undersigned will proceed to narrate the particulars of said wrongs, and the circumstances leading to and connected therewith.

In August or September, 1860, I purchased, through the agency of a Mr. Packer, at a public sale by the United States marshal at Key West, under authority of the United States court, a condemned slaver, known as the bark William, a vessel of about 400 tons, said Packer bidding off the said vessel and taking the title to her from the marshal, under instructions from me, and then conveying her to me. The price paid to the marshal for the said vessel was, as nearly as I recollect, something over \$10,000. After the purchase some person, supposed to have been employed by Vidal, the former owner of the bark, ran away to sea in her, with the deputy marshal on board, and she was pursued by the United States authorities and by myself in a hired schooner, and re-taken and brought back, and a large sum had to be paid as salvage, which, with some necessary repairs and refittings before she could leave Key West, commissions to Mr. Packer, and other incidental expenses, made the whole bills for her purchase and such expenses before leaving Key West some hundreds over \$16,000.

I then took the said bark to Mobile, where I made extensive alterations and repairs on her, and transferred the title to her to Mr. E. Delaunay, of the firm of Delaunay, Rice & Co., of New Orleans, cotton merchants, in which firm I was a partner, which transfer was made for the purpose of procuring a New Orleans register, I retaining the actual ownership, and taking from M. Delaunay a full and irrevocable power of attorney to control and dispose of said vessel as I pleased. The vessel cost me, when all her repairs and alterations were complete, about

\$30,000, as near as I can recollect, and she was worth at that time, according to the current value of ships, fully \$35,000.

I furnished the said bark luxuriously, and put on board stores of costly wines and preserved meats of all kinds that can be kept for a length of time at sea; for, being at that time rich and prosperous, I designed to visit several ports where I had formerly navigated when poor, and where I had friends who I believed would rejoice in my prosperity, and among whom I wished, at any rate, to exhibit the evidences of my success.

I provisioned the bark, aside from the luxuries above mentioned, for three months.

I purchased and put on board a full cargo of about 200,000 feet of pitch-pine lumber, sawed to my order, to fill a contract I had in New Granada, being all timber 8 inches square, and plank 4 inches thick. For this quality of the lumber I paid \$18 a thousand, being \$2 extra on account of the special quality of the lumber. I took also thirty-six barrels of ship-bread, to fill an order from Mr. Jos. Brandon, a merchant of Carthagena, which I delivered to him at that port, and received my pay.

I shipped a crew of fourteen besides myself, including cook, steward, and clerk, and cleared from Mobile for Carthagena, and sailed in October or November, 1860, and arrived at said port in November aforesaid.

I had on board in money \$36,000 French five-franc pieces, \$3,000 in American gold double-eagles, and about \$2,000 in Spanish-American gold ounces and fractions of ounces. The French silver coin I took because in New Granada five-franc pieces passed for dollars, and I meant to buy gold-dust of Antioquia, which would yield me a further profit of about 10 per cent. at the United States mint.

At Carthagena, I found the country in a state of revolution, which prevented the carrying out of the contract under which I had brought my cargo of lumber to that port. I consigned my vessel and cargo to Mr. Albert Mathieut, United States consul, and acted under his advice. I bought \$32,000 worth of gold-dust at \$250 a pound, and paid for it 32,000 French 5-franc pieces. I bought \$1,000 or \$1,200 worth of Panama hats of fine quality, and paid in the same coin. I sold 20,000 feet of my lumber at \$40 a thousand, and left 14,000 feet with Mr. Mathieut for sale, which he has since accounted for. I sold of my provisions and private stores about \$2,500 worth, and bought \$800 worth of pearls. I staid there about two weeks, and then cleared for Rio de Hache, taking a pilot and a boy and one Binar, a colored man, a political refugee of the conservative party of New Granada, and Juan Cortez, with his wife, child, and servant as passengers. Said Cortez had on board, as freight, 43 bales of tobacco, 100 boxes of soap, 100 bags of corn, and a few common mattings, of about \$1,000 or \$1,500 value altogether, under agreement to pay \$500 for passage of himself and family and freight to Rio de Hache, and engaging to effect a sale of the remainder of the lumber on board at \$40 a thousand at that place. The goods so shipped by Cortez were marked in a diamond [J. C.,] and were represented to me by said Cortez to be his property, and I signed bills of lading to him for the same, and did not know or hear or suspect that any other person had any interest therein.

I sailed from Carthagena for Rio de Hache early in December. At that season of the year strong northeasterly winds prevail on that coast during the day, and a land-breeze usually blows at night from a southerly or southwesterly direction. It is therefore customary for navigators bound eastwardly to anchor during the day, (as strong southwesterly

currents prevent the possibility of beating against the wind,) and take advantage of the land-breeze at night to make progress on the voyage. Unfortunately on the first day of my voyage I lost my best bower-anchor and chain, and could not afterward pursue the course above described to get forward on the voyage. I was obliged to get far out northward to sea, and encountering heavy gales from the northeast for several days, and losing the benefit of the land-breeze entirely, I got far out of my course for Rio de Hache, and Cortez became very much frightened and apprehensive about his wife, who was in a delicate state, and insisted that I should go into the first accessible port and land him and his family and effects, threatening to prosecute me for damages if anything should happen to his wife. I made strong efforts to reach Jamaica, but finally, when well to windward of the island of Grand Caymans, yielding to the threats and importunities of Cortez, I put into that island, where I arrived about the 17th of December. The threats made by Cortez were of resort to legal prosecution for damages if his wife suffered from being kept at sea, and were made without violence or anger. Arriving in the evening, I immediately went with Cortez to the American consulate, and noted my protest, consigned my vessel to Mr. Eden, acting consular agent of the United States, and procured Mr. Eden's aid to find quarters for Cortez and his family, which we succeeded in doing, and the next morning Cortez and his family debarked, and I furnished him gratuitously from my private stores such delicacies for the use of his wife as would be grateful to her and could not be procured on the island. I then applied to Mr. Eden, as my consignee, to settle with Cortez, and have him take his goods from the ship, furnishing Mr. Eden with my account against Cortez, which he admitted to be correct, but said he had no money, and proposed to Mr. Eden to take the goods into a vessel of his own, and pay me my bill, and take him (Cortez) and family and goods to Jamaica, and reimburse himself for his advance to me, and the passage and freight, out of the proceeds of the goods. An arrangement to this effect was entered into, and one of Mr. Eden's schooners was brought alongside of my ship, and the transfer of the goods commenced, when a portion of the property was found to be damaged by sea-water in the rough weather we had experienced, whereupon Mr. Eden declined to carry out the arrangement, thinking all the property would not be sufficient to pay my bill. It was then agreed, on the suggestion of Cortez, to sell the goods at auction, or sufficient of them to pay me and get him to Jamaica. Mr. Eden thereupon gave notice in the three towns on the island, and an auction was held on my bark at noon the next day. The bids were unsatisfactory to Cortez, and at his request Mr. Eden purchased in all the goods for him. Cortez then besought me to buy the goods, offering me the whole for \$1,000, which I finally agreed to give, to get the business closed, though it was more than I thought the goods then worth. Mr. Eden, acting for me, paid Cortez, after satisfying my bill of \$500, in five-franc pieces, which I furnished from on board, adding enough to make them equal to Spanish dollars. Cortez made an affidavit before the consular agent that he was the sole owner of the goods, gave me a regular bill of sale, and canceled the bills of lading I had signed, before the said consular agent, who gave me a certificate of the whole transaction under his official seal. I took these precautions because of having been driven from my regular destination, and being obliged to make this settlement at another port, I extended my protest at the consulate in the presence of Cortez, which was signed by myself and the officers and some of the crew of the bark, a certified copy whereof is now in the hands of Mr. Whidden. All the

papers connected with these transactions were interpreted by a sworn interpreter to Cortez in the Spanish language, an affidavit whereof is also in the hands of Mr. Whidden. I then sold to Mr. Eden the corn and soap bought of Cortez, the corn at 75 cents a bag, and the soap at \$1 a box, making \$175, which property was shipped by Mr. Eden on the same schooner on which he took Cortez and family to Jamaica. I purchased an anchor and chain of Mr. Eden, and some provisions, sheep, turtles, and vegetables. I then cleared my vessel regularly for Port au Prince, in Hayti.

The last evening spent at Grand Caymans was spent by me in the company of Cortez and his wife, and several magistrates and respectable persons of the island, at the house of Mr. Eden, where we had supper together, and took leave and parted in a friendly manner. A portion of my crew were rowdies and highbinders, such as are in general only to be found in southern seaports, furnished to me by a shipping-master at New Orleans, who forwarded them to me by a steamer at Mobile, without my knowing anything of their character; and it being the time of my clearing my vessel, the 24th of December, they wished to spend Christmas at Grand Caymans and have a spree, which I, having learned their character, and knowing that they would be disorderly, and perhaps violent, determined they should not do. So after supper I went on board, and ordered them to make sail, which finding them slow to perform, I procured a number of hands from the port to get my vessel under way, and sailed on my voyage at the end of the evening of December 24.

I had on my vessel a woman and a sailor who were very ill and in great want of medical aid, and as my course brought me near Cienfuegos in Cuba, just as the said sailor was prostrated with a severe attack of hemorrhage of the lungs, I put into that port and lay in the lower bay for several days, and received a physician on board, who tendered such relief to the sick persons as was practicable. I was put in quarantine for about three days, after which I called and reported my ship at the United States consulate according to law. My whole delay there was six days, doing no business but to procure medical aid as aforesaid, and I then proceeded on my voyage and arrived at Port au Prince some time past the middle of January, 1861.

I at once called on Mr. Lewis, commercial agent of the United States, deposited my papers in his office, and by his advice consigned my vessel to Messrs. Mary and Hasmouth, merchants. Being unwell I took lodgings on shore at a hotel. The day after my arrival my consignees, as soon as the regular entry at the custom-house was made, sold the powder I had on board, two kegs, to the government, and it was forthwith landed. They then sold the tobacco, which was also debarked. I also sold eight pistol-revolvers, Colt's patent, all that were on board except four, to Mr. Figaro, hotel-keeper, and delivered them to him. They then sold the lumber to the son-in-law of President Geffard, for the government, as I understood, and the unloading thereof was commenced. Before this I had put the sailor who was sick at Cienfuegos, Charles Devoe, on shore to be doctored, but he shortly afterward died. While the debarkation of the lumber was proceeding, which was a slow process, as it had to be done by rafting the lumber ashore, as soon as it was low enough in the hold to give access to the bulk-head separating the hold from the run or store-room, where my private stores were placed, some of the disorderly men of my crew in the night cut through the bulk-head and stole liquor and got intoxicated, and destroyed a large quantity of costly wines and stores, and became violent, and threatened the lives of my mate and the custom-house officer who was

on board, which latter, with Binar, the refugee passenger, who was still on board, fled from the ship for safety. The mate shut himself in his state-room. The disorderly sailors then began to saw into the cabin for the purpose of robbing me of the treasure on board, and got in a fight among themselves, in which one was severely wounded with a knife. In the morning the mate escaped and came on shore and gave me the information of these proceedings, whereupon I applied to Mr. Lewis, who procured force from the authorities and arrested five of the sailors who were known to be active in the stealing and mutiny, and lodged them in prison.

In the evening Binar came to me, as I was sick in bed, and said he wished to get back to the Spanish main, and asked me for money to pay his passage. I told him I did not feel under any obligation to give him any money or further help; that I had done a good deal for him on account of his family; paid a portion of his debts in Carthagena, and brought him out of the country, where he was in danger, without charge; and, besides that, his conduct had not been satisfactory, as he had been gossiping and contracting intimacy with the sailors, who had proved a bad set of men. He said there were some whom I protected that were worse than he, and if I did not give them money, would help themselves. He said Castay, my clerk, had extracted gold-dust from some of my packages by making a small hole in the corner of each, through which he could shake out the dust. I indignantly told him that I did not thank him for such information; that I had full confidence in the integrity of the young man Castay, and did not wish him to try to play the part of a spy; and as he had done so, did not wish him to remain longer on the ship. He went away angry and threatening, and the next morning I received from him a letter stating that as I had ordered him off my vessel I must provide for his maintenance, and demanding \$100 immediately, threatening that if I did not send it he would make it cost me a larger sum. He demanded an immediate answer, saying he would not wait longer than till 12 o'clock. I showed this letter to Mr. Lewis and to Messrs. Delandes and Linstan, legal gentlemen with whom I was acquainted, who all advised me to pay no attention to it.

This was the beginning of my trouble with the Haytian government. Binar, the same day, as I afterward learned, accused me to the authorities of being a slaver, making many false statements as to my cargo, arms, ammunition, &c., almost all of which had already been sold to the government and to persons in their confidence, precluding the possibility of their use by me for unlawful purposes if I had had any such design and the property had been applicable for such use.

At 10 o'clock that night I was notified by my mate that a large force of armed police were on board the bark, breaking open boxes and closets, and doing wanton damage. Sick as I was, I rose and repaired on board, where I found Carrie, the military commander of the place, the attorney of the government, J. J. Lilavois, the captain of the port, and the commander of police, with a force of about thirty armed men. I asked them what they were doing there, and by what authority they were on board my vessel. They answered that they were acting under superior orders. I asked if they had permission from my consul. They said they had not. I then told them if they did not immediately leave my ship I should abandon her into their hands, as it was unlawful for them to be there without the written permission of my consul. They had collected together, as evidences of my guilty intentions, three hunting-guns, half pound of powder, some cartridges of small shot

for bird-hunting, and eight pairs of hand-cuffs, which I had provided to enforce discipline among the crew. These things they proposed to take away, but I forbid their removing anything, and they finally left the ship without taking them. I then instructed my mate that if they returned he should spread the American flag over the side ladder and notify them thereof, and forbid their coming on board, and if they persisted and boarded the ship, trampling over his flag, he should abandon the vessel with the crew, and come to me with the men at my hotel.

About half past 11 o'clock, Carrie returned to the bark with his posse, when my mate, following my instructions, spread the American flag over the side ladder, notified them of the same, and forbid their coming on board. Carrie, notwithstanding, led his posse up the ladder on board the bark, trampling upon and tearing the flag, saying to my mate, "What do you suppose I care for the American flag? The Americans are a nation of pirates and thieves." My mate, Thomas Collar, then collected the crew together and came ashore with them, bringing the flag, in my two quarter-boats, arriving at my hotel about midnight. I took the crew at that late hour to the house of Mr. Lewis, commercial agent, and noted my protest before him, and he afforded my crew shelter for the remainder of the night, and directed me to come back in the morning. In the morning, on my call at the commercial agency, Mr. Lewis sent to the minister of foreign affairs a notification of my protest, and a letter recounting the proceedings on board the bark, and stating that I had been obliged to abandon the vessel with a large amount of property, money, and bullion on board, and that the government of Hayti would be held responsible for the same, and for all damages, and that the flag of the United States had been trampled under foot, and he should demand from the government of Hayti reparation for the insult. The minister for foreign affairs answered Mr. Lewis that it was a proceeding of the police, and he knew nothing of it; and soon after an invitation came to Mr. Lewis to call upon the President, which he did, taking me and my clerk, Castay, with him.

The President stated that the proceedings on board my vessel were unknown to him, and he had just learned something of the matter from the minister of foreign affairs, and he sent for General La Motte, minister of police, who came, and the President reprimanded him for proceeding in such a matter without direction or consultation, saying he was in the habit of getting into difficulty. He then said to me he hoped I would take my vessel back, which I declined to do. The President then addressed Mr. Lewis, and on General La Motte interposing some words, he cut him short, saying that he, Geffrard, was the President and ought to have been consulted, and that he, La Motte, was always getting the republic into trouble, and threatened to degrade him from his position. La Motte answered that what he had done was right, and he would prove it so to the President hereafter. The President then proceeded in his conversation with Mr. Lewis, and it was agreed between them that I should take my vessel back, and that the President would pay the damages I had sustained, to which I, by Mr. Lewis's advice, assented.

After this I sent my mate to take possession of the ship; but La Motte kept some of his troops on board, against which Mr. Lewis remonstrated, and at last I had to call upon the President personally, who exhibited much anger against La Motte, and wrote a peremptory order to have the troops removed, which was at last done at the end of four days, and I took possession of the bark. All these matters having be-

come well known among the shipmasters in port, there was a general expression of gratification among them when I finally resumed possession of my ship, every foreign vessel in port displaying the American flag at the fore. This manifestation was highly distasteful to the Haytians, who assumed that it was prompted by me (which was not true) and the President and Plaisance, minister of foreign affairs; and General La Motte said to Mr. Delandes, in great anger, that I should some day atone for such an insult.

I then had my mate, steward, clerk, and boatswain make out accounts and statements, each in his separate department, of the damages committed on the vessel by the police in their unauthorized visitation, which statements they severally made and swore to before the commercial agent. These statements showed that a large portion of the provisions of the ship had been removed, rigging cut, sails destroyed, a new topsail set on fire, furniture of the cabin broken to pieces, the steward's pantry broken open, and all the crystal and some silver ware stolen, and much wanton injury committed, making the whole damages amount, according to the proof so made, to \$6,200, and something over. These accounts and proofs were placed in the hands of Mr. Delandes, a lawyer, to call upon the President and receive payment. The President complained to him that the amount was too large, notwithstanding the sworn statements of the particulars were exhibited to him, and at last gave Mr. Delandes \$2,000 to pay me, which sum he brought and offered to me, and I, by advice of Mr. Lewis, who had been on board and seen the devastation, declined to receive. Mr. Delandes had another interview with the President, taking a communication from Mr. Lewis, in which he urged upon the President the justice of paying my damages, as he had promised him, and represented that I would have good ground for reclamation through my Government. General La Motte was present, and said to the President, "Well, never mind; I will get proof enough to resist his claim." So no further payment was offered to me, and La Motte at once proceeded to procure affidavits by bribery from the thievish sailors I had in jail, and offered similar bribes to others of my crew, which they refused. This is shown by the depositions of Collar the mate, Thibodeaux, and Brown, which are on file in the Department of State.

The unlading of the cargo of lumber, which was yet more than half in the ship, was then proceeded with and finished. And here I will call attention to the impossibility of discovering water-casks, if they had been on board, while the hold was half full of lumber; notwithstanding which the Haytians report, and make Mr. Hubbard repeat, as the very strongest proof that I was a slaver, that I had more than one hundred such casks on board, while in fact eight was the whole number I ever had. The secretary of foreign affairs now, in answer to Mr. Lewis's communication to the President, sent him copies of the depositions of the five sailors in jail, procured by bribery, and of Binar, on which their proceedings were originally founded, and reiterated to him the charges that I was a slaver, asserting that my papers were not regular, which they afterward made Mr. Hubbard repeat, and that I had handcuffs and water-casks on board for a slaver.

Mr. Lewis replied, showing them the falsity of the charges, stating that the William had been a slaver, but that I was an innocent purchaser under a legal sale; that my papers were correct and regular, as he had ascertained by careful examination; that he had been on board, and knew the allegation about the great number of water-casks was false by personal inspection; that the handcuffs, eight pairs, were

for the purposes of necessary restraint and discipline among the crew, and were but an ordinary provision of the kind for safety, and as they had been withdrawn from the ship he demanded that they should be delivered to him for restoration to me, which was done, and Mr. Lewis returned them to me, at the same time giving me certified copies of the depositions of Binar and the five sailors. On getting these papers I had Mr. Delandes commence a suit against Binar for his slander and libel against me, and Binar ran away. I heard, from time to time, of efforts made by La Motte to get false testimony from my crew and to induce them to desert. These things made me anxious to hasten my departure, and Mr. Lewis prepared my extended protest and affidavits for six of my crew, establishing the fact of bribery by La Motte of the five sailors in jail, and his attempts to bribe the affiants. I shipped four boys, all the hands I could obtain, to make up my crew, weakened by the loss of the five men. My provisions having been destroyed in a great measure, I purchased of Messrs. Cutts and Cooper two barrels of pork, a barrel of rice, and some sugar and coffee, to last me to New Orleans, to which port I now determined to sail. I purchased and shipped about fifty tons of logwood, and filled my empty provision-barrels, about twenty or twenty-five, with sea-water, and placed them in the hold for ballast; settled with my consignees, took the money for my cargo, and dropped down to the lower bay, where Mr. Lewis came on board, bringing my clearance for New Orleans, and all my papers, and took the signatures of myself and crew to my extended protest, and the signatures and oaths of the crew to the affidavits above mentioned.

At the beginning of my voyage I had an understanding with the house with which I was connected in New Orleans, Delaunay, Rice & Co., that if I found it practicable I would bring back to New Orleans a cargo of guano. In pursuance of this intent I had some negotiations at Grand Caymans, of which I have furnished proof to the Department of State, for the loading of my ship with guano, which failed by reason of my being unable to dispose of my cargo so as to make room in my hold for the guano. At Port au Prince, before my troubles with the authorities began, I asked one Vil Maximillian, who was employed in some small commissions for the ship, if I could procure some fifty men and a few women to go to the island of Navassa and load my vessel with guano, if I could get permission from the Haytian government to do so? He said he thought the hands could be procured, but when the authorities came on I saw that it would be useless to attempt to get any permission from the government to load guano in their jurisdiction, and gave up the idea altogether, and made no further mention of any desire to employ hands, determining to return to New Orleans as soon as possible. This is all the foundation there ever was for Mr. Hubbard's charge of endeavoring to inveigle Haytians on board with intent to kidnap them.

In the afternoon, after I had taken my clearance, the Haytian war-steamer Geffrard came down and anchored near me, and there received on board, with great show and ostentatious display, several hundred armed troops; and when in the evening, on the rising of the land-breeze, I sailed out of port, she followed me and kept near me for about two hundred miles, till I passed Cape Saint Nicholas Mole, when she disappeared, having been near me about four days. I do not remember the date of my clearance and sailing, but I think it was the latter part of February, 1861.

On getting to sea I found that my vessel did not steer well for want of sufficient ballast, and I put into Grand Inagua, which was near my

course, to procure ballast. I arrived there when about a week on my voyage, and reported myself at the United States consulate, D. Sargent, consul or consular agent, and showed him my papers, and informed him that I was in pursuit of stone for ballast. He advised me to go to Man-of-War Bay, in the same island, and procured me a permit from the authorities to get stone there. I took a pilot and went there accordingly, one day being occupied in getting there. I employed eight men with two canoes to break stone and put it in my ship, and we had been at work about five days, being obliged to work only when the tide was down, when a strong gale from the southwest arose, and I found my anchors dragging and was obliged to slip my chains and get out to sea, leaving my two best anchors, and taking eight laborers, negroes, and their canoes with me. After getting to sea I lay to, the gale lasting four days, and was drifted by the current near to the southern coast of Cuba. After the gale subsided it took me ten or twelve days to beat back to Grand Inagua to restore those laborers to their homes. We entered Man-of-War Bay about ten o'clock of a very dark night, and the pilot anchored me too near the reef. The next morning I paid off my laborers, paying them for the time I had been obliged to keep them at sea, and then tried to get under way to proceed on my voyage. I put out a kedge and hawser and began to haul off the ship to get room to run out, when my hawser parted, and she drifted upon the reef broadside on, the sea making a full breach over the vessel, where she lay pounding for eighteen hours, when at last, at high tide, the land-breeze arose and took her off. By this misfortune I lost my false keel, which separated from the hull of the bark and drifted ashore, sprung both of my topmasts, and finally broke the fastenings of my rudder, leaving it swinging useless by the ship's side, so that when I was afloat the bark turned around helpless, there being no means of steering her. The beating on the rocks had also deranged my chronometers, of which I had two, rendering them useless. My only course of safety was to drift to sea. I took down my royal and fore-gallant-yards to ease the disabled masts, and lashed my topmasts, and drifted at the will of winds and currents for about six or eight days, when I made a low-key, but did not know where I was. I had made a hole and passed a chain through the rudder, and, by tackles on each side, contrived to steer the bark in an imperfect manner. I paid out a hawser astern to steady the course of the bark, but was very near striking ground, when, in the evening, a schooner, which had been in sight some hours, seeing that I was in distress, anchored, and sent a boat aboard of me. The schooner proved to be Her Britannic Majesty's mail-boat Alma, from the Bahamas to Saint Thomas, Captain Matthew Stubbs, and Captain Stubbs and the owner of the schooner were in the boat which came aboard. From them I learned that I was on the bank of Caico, and in a very dangerous situation. A large number of wreckers about the same time came aboard and wanted I should give up the vessel to them, representing that I could not extricate her from her danger without their aid, and that it was dangerous for me to go anywhere for repairs in the state I was in. I refused their aid, and purchased an anchor and chain for \$150 from Captain Stubbs, and also purchased some provisions from him, and endeavored to proceed so as to make a port in the Spanish part of San Domingo, where I might make the necessary repairs to enable me to proceed on my voyage. I drifted four or five days longer without making land, and when I made the northern coast of San Domingo I estimated, by most imperfect dead-reckoning, that I was quite two degrees farther eastward than I afterward ascertained that I was.

This was owing to the uncertain course of the ship, which could only steer near to the wind, and my having no other means of ascertaining my position or progress. I kept along the coast, making as much progress to the windward as I could for five or six days, till I thought I made the Dominican port of Porto Plata. I kept up a signal for a pilot for two days, but, not getting one, I ran in by directions of the Coast Pilot, an American book for the guidance of navigators, taking the course prescribed for entering Porto Plata. The pilot-signal I raised was a small French flag at the head of the foremast. This is the only use I made of the French flag until I entered the port. Upon going into the harbor or bay I observed a red and blue flag, which I knew was not the flag of the Spanish part of the island, and began to be alarmed lest I had made a mistake. I called Thibodeaux, one of my crew, who had lived in Hayti, and, giving him my glass, told him to look at the flag and tell me what it was. He said it was the Haytian flag. Astonished and alarmed at this, I called all the crew, officers and men, aft, and told them that we were in Hayti again, and that if it was discovered that the bark was the William they would give us trouble; therefore I instructed them to say that the vessel was the Guillaume, a French vessel, and to talk only French, and those of them who could not speak French to keep silent. Having given these instructions, I kept on my course into the harbor with the French flag at the fore, and anchored my ship.

During the long time drifting, after being aground at Grand Inagua, the bark leaked considerably, and the crew were kept at work at the pumps. After coming to anchor I managed, by shifting weight aft and to larboard, to find the leak near the starboard bow, and had it stopped.

A boat came off to us with the captain of the port and several officers, and told us that we were in the port of Fort Liberty, in Hayti. I told them my vessel was the French bark Guillaume, bound from Havana to Havre, in distress, and that I wished to procure a blacksmith to restore the fastenings of my rudder, and I caused a note to be written and sent by the same boat to General Gourgue, commanding the place, stating that I was aware the port was not open to commerce, and promising to obey the regulations prescribed, but setting forth my distress, and asking leave to get the necessary blacksmith-work and fill four casks with water, which permission was granted. I sent ashore and employed a blacksmith to make some pintals for my rudder, and also sent the four water-casks ashore to be filled. I got my rudder on the deck of the bark to fasten the pintals to it when I should get them made.

The next day General Gourgue and his son, and several other officers, and a party of about thirty persons, came on board and treated me kindly, and I entertained them with refreshments and wine, and the general offered me a seat in a carriage with his son, who was going to Cape Haytien that evening, if I wished to call on the French consul, saying the consul was a relation of his through his wife. I declined, saying I could not leave my ship in her disabled condition. He then said I could at least write to my consul. Fearing that if I refused to write it would excite suspicion, I directed my clerk to write a note to the consul, stating that I would sail the next day, and would call on him personally, which he did and delivered it to the general, not having shown the note to me.

General Gourgue, General Segur, chief of engineers of the place, who was of the party, and some other officers, examined the ship, observing

her disabled condition, and going into the hold, where they saw all about what cargo was on board, and its stowage.

About the third day after my arrival, in the night, Miranda, a sailor whom I had shipped at Port au Prince, with whom I had had trouble at Grand Inagua, and had flogged him, stole one of my boats and escaped to the shore. I had him pursued, but only recovered the boat, which he had left adrift. My mate and clerk called on the general of the place and the captain of the port and inquired for him, but they denied having seen him, although he was then in their custody or protection, making a declaration against me.

Knowing that Miranda would betray the deception I had practiced as to my indentity, I gave orders to my men, who were at work at the blacksmith-shop, to hurry on board with what they had, so that I could get under way, and they came with two pintals, wherewith I slung my rudder. I sent three men ashore to get my four casks of water, and they were seized and the boat pulled ashore, and they were taken before the general and questioned if the vessel was the William, Captain Pelletier, which they stated was the fact, and after two hours' detention they were returned on board, but without the water. Soon after a letter came from the general ordering me to come on shore with my ship's papers. I answered, stating that as I was in a port not open to commerce, in a country not recognized by the United States, where I had no official protector, it would be unlawful for me to deliver my papers to any one; that I should not risk myself ashore; that I had called the bark the Guillaume because I had suffered injustice at Port au Prince, and feared a repetition of it here if I was known; that as he had begun to show hostility toward me by arresting my boat's crew, I should hold no further intercourse with the shore; but wished him to send off my water-casks, and the accounts for what I might owe on the shore, and I would pay what was due, and sail with the land-breeze in the morning. He answered me toward evening, declining to send my water-casks on board, forbidding my sailing, and saying if I did so it would be at my peril. In the mean-time troops were sent down to the lower fort.

About 2 o'clock a. m., a light land-breeze coming down, I weighed anchor and made sail, and proceeded down the bay, till, coming nearly abreast of the fort, the wind failed, and I drifted on the reef opposite the fort, about half a mile off. The tide left me high and dry.

Early in the morning a letter was brought to me from Mr. Meneau, French vice-consul at Cape Haytien, who lived on a plantation near Fort Liberté, in which he said he knew my vessel was the American bark William, Captain Pelletier, and not a French vessel, and that I must come on shore immediately with my papers, or that means would be taken to bring me ashore. The messenger who brought this letter went away without waiting for a reply, and none was sent. About two hours later Mr. Meneau sent another letter, informing me that if I did not come on shore with my papers forthwith, force would be employed to bring me. Both letters were addressed to me as Captain Pelletier, master of the American bark William, and signed by him as French vice-consul, with the French consular seal. I told the man who brought the last letter to wait, but he did not, going away at once in his canoe. I was in the mean time taking measures to get the bark afloat, throwing ballast overboard, when I saw five schooners coming down full of armed men. I hoisted the American flag, but they came on and commenced firing on the bark with muskets, the balls striking the hull and masts of the vessel. I observed in the midst of the flotilla a small boat in which was General Segur, endeavoring to restrain the firing, calling to the men not to fire.

Seeing this, I raised a white flag to demand a parley. They ceased firing, and General Segur coming alongside, I demanded to know why I was assailed in this way, urging that it was singular that the first salutation to a vessel in distress, lying on her beam-ends, should be with balls. He replied that his men were drunk, and had fired without orders. I asked him what all those men wanted? He said he had orders to bring me, with the bark, up to the port. I told him I would not consent to have that drunken crowd come on board, but that he was welcome to come himself, with a reasonable force of sober men whom he could control. He selected about twenty men, with whom he came on board, and with the aid of these men in lightening the ship she was got afloat, and we proceeded up the bay about seven or eight miles, and anchored in front of the town. Being apprehensive of disorder and violence, I wrote to General Gourgue protesting against the course of the authorities and the acts of the French vice-consul, and asking for an escort to protect me in landing, and he sent Col. Rafael with about fifty men for that purpose. I took my ship's papers, and my valuable private papers, including all the documents connected with my voyage, and with the events that had thus far occurred, which were all in a portfolio together, and went ashore under the said guard. The moment I stepped ashore the mob sought to reach me, apparently to tear me in pieces, and the guard had much difficulty in keeping them from me, they throwing stones at me, and knocking down one soldier with a missile aimed at me. I was conducted to the government house and there made to wait. After an hour, Meneau, the French vice-consul, rushed in intoxicated, holding two large pistols in his hands, and cried out to me "surrender." I told him I could not surrender any more thoroughly, as I was surrounded by hundreds of armed men. He then cried, "Search that man, search that pirate." I said it was unnecessary to search me, throwing a small pistol on the table; that was the only weapon I had. Then he demanded my papers, which I told him I thought he had no right to do, as I was an American, and in no respect under his jurisdiction. I pointed out among the papers in my portfolio, which he opened, my register, which he looked at, and then drew up a paper setting forth that as I was an American he had nothing further to do with me, and styling me a pirate, remitting me, my vessel and crew, to the Haytien authorities to do what they thought proper. He wanted me to sign the paper, which I refused, when he said that although they might use means to make me sign, it was of no importance, he would sign it himself, which he did. He then required me to give him an order for the French flag I had raised at my foremast, which I did. I was then taken to jail and put in irons. The next morning Mr. Meneau came to the jail with my whole crew, whom he had brought from the bark, and then called upon such as were French to declare themselves and he would protect them, and he took away six of the crew as Frenchmen, and the rest who claimed American protection were put in irons.

I wrote to the United States commercial agent at Cape Haytien, Mr. G. E. Hubbard, informing him of my situation, and appealing to him for protection. To this letter Mr. Hubbard returned an answer plainly in the interest of the Haytien officials. I have stated in the beginning of this memorial that the Haytiens were countenanced and aided by Mr. Hubbard.

His answer to my appeal for protection shows in part how well founded is that statement. He denies confidently the damage to my rudder and false keel, when he was doubtless aware, and certainly would have learned if he had made the least inquiry, that my rudder

was on deck while I lay at Fort Liberté, with the damage by broken pintals plainly manifest. He assumes that I was in fault for not entering Cape Haytien, when he well knew the reasons, the ill-treatment I had received at Port au Prince, which I submit were sufficient, that decided me to avoid the Haytien jurisdiction if possible. He asserts that I knew where I was previous to going into port, which was not true; nor was it possible with my chronometers rendered useless, and my ship incapable of steering and left to drift, so as to render all reckoning unreliable. He asserts what was not the fact, that I had used the French flag in an unwarranted manner before entering port, and makes the extraordinary statement that this proved me to have acted as a pirate. I have never met any definition of piracy, or description of piratical acts, which gives any color to this assumption. He finally declines to interfere in any way for my protection, leaving me to the tender mercies of savages, in whose courts he well knew an accused person, especially a white man, is denied all forms of justice, and every show or pretense of fairness of trial.

The authorities then proceeded to an examination of their prisoners, beginning with the Frenchmen, and then proceeding with the Americans and those claiming American protection.

One of these last, named Peter, a boy of about eighteen, after answering in several forms to the effect that I had not been engaged in any piracy, objected to being further questioned to the same point, saying that he had answered fully, upon which he was submitted to torture by an instrument called a tourniquet, by which his leg was lacerated and skinned from his knee to his ankle, and, being unable to walk, was brought back to the cell and replaced in irons, helpless and bleeding. This same boy was afterward acquitted on trial, and set free.

At the conclusion of my examination, when they required my signature, I wrote in the French language a protest against my seizure and arrest and that of my crew, and the manner in which they proceeded with the examination, and all their treatment of us, and all their acts toward me and my ship; to which protest, at the foot of my examination, I affixed my signature.

During all these proceedings we were subjected to insults and violence from the populace and the soldiers, who pelted us with dirt and stones through the bars of the prison.

In about a week the French vice-consul sent for the Frenchmen of my crew to be taken to Cape Haytien. I protested against this, as he had no right to interfere with the crew of an American ship, or to exercise any control over my men, when it was yet undecided whether my vessel would be restored to me, and he had himself formally withdrawn from all interference with me, my vessel, and crew. The men were taken to Cape Haytien.

Four or five weeks later an order came from Port au Prince to remove us all to Cape Haytien. They then took my clerk, Castay, on board the bark to make an inventory of the property on board. He, observing that many things were missing from on board, refused to sign the inventory as a complete list of property belonging to me or to the ship, stating his reasons. They thereupon brought him back to the cell and replaced him in irons, and put his head in a heavy wooden fastening or yoke, called a stock, where they kept him all day.

In the evening they embarked us on a little schooner of about ten tons, seven persons, all but one female, ironed hands and feet, piled in the hold in a space not more than six feet square. They also took my four water-casks on the same schooner. In this manner we were conveyed to Cape

Haytien, where we arrived the next afternoon. On landing we were made to walk in our double irons about a mile and a half to the criminal prison, where we were put in cells about six feet by five, built of stone, arched like an oven, dark, and without air. In the cell with me were four other persons.

On the way through the town we were again the victims of mob violence, without any effort of our guard to protect us or to restrain the mob, who pelted us with stones and missiles, so that every one was wounded and bleeding when we arrived at the prison. During this miserable march Mr. Hubbard passed us on horseback, and looked to us, but said nothing, although he knew we were American citizens.

The next day the British consul, Mr. William Boden, and the consul for several German States, called to see me, but were not admitted. Mr. Boden called out to me through the door, saying, "Captain Pelletier, are you there?" I answered yes. He said to me, "Keep up good courage, you have friends who will look out." I asked him who he was. He answered, "The English consul." I said to him I did not know why I was treated so; I was innocent. He said, "We know that." I asked him if he could not see the American consul and get him to protect me. He answered, "It is of no use, he is with them," and then added, "Keep good courage; I will write to Port au Prince." The conversation was held through the closed door of the cell, as I lay chained by the feet. Mr. Boden sent me, by the jailer, a small sum of money, 20 gourdes, about \$2, which the jailer delivered to me.

After about a week's detention in this dungeon I was again embarked, with five of my companions, my mate being left behind sick with yellow fever, in the same little schooner, ironed as before, hands and feet, the Frenchman being sent by another vessel, free from irons, and sent to Port au Prince, where we arrived after much suffering, at the end of eleven days.

When we landed they marched us, still keeping our double irons on, through different streets, about three miles, to a prison, a savage multitude of thousands surrounding us and pelting us and cutting us so that we left a trail of blood.

Louis Legallin, one of my boys, on this march, being ill and weak, fell and fainted from fatigue and loss of blood, when they put a stick through his shackles and dragged him over the pavements and rough stones in the road, so that his skull was worn through or broken, and he was dead on arrival at the prison. His body was thrown into the yard, and some small boys were permitted to beat out his eyes with sticks for their amusement.

When we arrived at the jail I met General La Motte, minister of police, and General Carrie, minister of the place. La Motte said to me: "Ah, Pelletier, did I not tell you I would yet have you in my power? Now you will see." General Carrie said: "Ah, you pirate, you robber, you thief, you said I trampled on your flag; now you are in my power; now you shall feel it." With this he came up to me and with his own hands seized my gold watch and chain from my person, and, having caused the irons to be taken from my wrists, made me take off my coat and vest, so that he could get some costly gold buttons which I wore in my vest, and with his own fingers took out my gold sleeve-buttons, and kept them, with vest, watch, and chain.

I was then searched and everything they found taken from me; but they overlooked a silver binnacle-watch in my pantaloons fob, which I afterward tried to sell to procure some food, when the jailer seized it, as his superior had previously seized the more valuable gold one.

The next day I was taken from my cell, irons taken off, and conducted to the minister of police, where a court-martial was formed, of which General Carrie who had robbed me was president. They examined me privately, not allowing me any counsel present, and then returned me to my cell and irons. This examination related solely to occurrences at and near Fort Liberté. They then, as I was informed, examined my crew one by one, privately. When John H. Brown, a sailor of Boston, was called and interrogated, he denied any criminality in any proceedings at Fort Liberté, at which Lilavois, the public prosecutor, became angry, and told him they had my head and would drink my blood in my skull, and read to him the declaration of Miranda, and told him that if he did not swear the same as Miranda had they would have his head too. He answered that he could not tell lies on any account; whereupon they hurried him away to a dark cell and put him in double irons. Several others were treated in a similar way for the same cause.

I made a protest against all their proceedings, denying the jurisdiction of their courts, claiming the protection of the United States Government through their commercial agent, giving a brief account of my voyage, and asserting my innocence of any crime. Also appealing for protection to the representatives of all civilized governments, as I was suffering in behalf of all white men, as witness the tortures to which I had been subjected, though convicted of no offense, and the shameful and illegal means that had been used to try to obtain testimony against me. A copy of this protest was sent to every foreign consul, and it is believed to be on file in the Department of State.

About a week afterward I was brought out again before the same court-martial for a confrontation as it was called, being a reading of the examination of the several witnesses in their presence and mine. One of the French sailors, named Picault, when he heard his examination read, in which it was stated that I had intended to give a ball on my ship and invite the principal persons at and about Fort Liberté, and when they should be assembled carry them off forcibly and sell them into slavery, stopped the reading and said he had never stated any such thing. Lilavois, in an angry manner, told him he had, and pointed to the writing and said, "Here it is." Picault told him that it had been interlined after he had signed the paper; that he had never stated nor heard any such thing. Lilavois then said he would hold him as an accomplice of Pelletier, and immediately ordered him to be ironed and dragged away to a cell, which was done, although, being a Frenchman, he had hitherto been free from such restraint. During the whole proceeding they used the same threatening and violent means toward all the witnesses, but they failed to get any testimony against me from any of the crew, either American or French.

The government then ordered a commission of five, including judges, senators, and lawyers, of whom Dauphin, president of the court of cassation, was one, to determine whether I was amenable to their laws; and this commission decided that, being accused of being a slaver under a foreign flag, I was not amenable to the laws of Hayti, and, moreover, that I was in nowise amenable to such laws, as I had not committed nor attempted to commit any crime on the soil of Hayti, and ordered that I should be remitted to the United States commercial agent, to be dealt with by my own Government. They came to this conclusion after an examination of all the declarations and depositions that had been made and taken against me, and in relation to the charges made against me from my first arrival in Hayti; including the declarations of Binar, the five sailors imprisoned by me for stealing Miranda, and my crew, who were finally

taken with me. So I was four or five days afterward informed by Mr. Delandes, a lawyer of high standing, president of the chamber of representatives, and a member of the commission. He had been my counsel on my first visit to Port au Prince and was friendly to me, and talked freely to me of all matters. I asked him if I would be remitted to the agent of my Government, according to the decision of the commission? He told me not to expect any such thing; that the government was determined to succeed in some accusation against me, and said he had heard they intended to trump up some charge of piracy out of my business with Cortez, the papers concerning which he was familiar with on the former occasion, having had them translated for the purpose of prosecuting Binar for me for libel and slander, and he laughed at the idea of getting up such a charge on such a foundation. He proceeded to say that he knew they were going to send an agent or messenger by the next steamer to Santa Martha to bring Cortez to Hayti at any cost, to try to get him to witness against me. He said that St. Amant, one of the government lawyers, and private secretary of the President, had suggested, as the only means of convicting me, that I should be charged with piracy by Cortez, and the acts shown to be connected by continuation with something I had done in Hayti—although he, Delandes, said this would not give them jurisdiction, unless they could show that I had been guilty of actual assassination in Hayti. He further informed me that he had had an interview with the President, who had said that he would be the greatest enemy of his own country if he should surrender me to the United States, for he knew the United States would discharge me, and that then I should reclaim against the republic of Hayti, and therefore I must be sacrificed to the interests of state. I have information that the President Geffrard made the same statement, in effect, to several other persons, among whom are the Archbishop, Lord de Cosquet, the vicar-general, Father Pascal, and Mr. Linstant Pradine, to whom he said I was just such a man as he wanted, and if I was inclined to be naturalized and become a Haytian he would put me at the head of his navy; that I was a man like himself; but as it was I must be sacrificed to the public interest. Those persons had all called upon the President to urge upon him the justice and propriety of carrying out the decision of the commission, and surrendering me to the Government of the United States.

The bark William had now arrived at Port au Prince with my mate, Thomas Collar, on board, from whom I learned that after I was taken from Cape Haytien Mr. Hubbard called upon him frequently and treated him kindly, and gave him some money, but tried all means to induce him to testify falsely against me.

Six weeks later I learned that Cortez and a man named Cano, of whom I had never before heard, and that Cano represented himself to be Her Britannic Majesty's vice-consul at Carthage, and that he was the owner of the goods shipped on my vessel by Cortez, and that Cortez was his clerk. He claimed to be under English protection. I do not know what depositions they made against me, as they were never read in court on my trial, or in any other way made known to me, nor were these men ever examined on my trial or in my presence.

It was now in the month of August, 1861, and they took me from my dungeon, and from my irons, and examined me on the affair of Cortez, which had not been alluded to in my former examination. They examined the crew also touching the same affair, following the same course of threats, imprisonment and irons, to force them to testify against me, as on the former examination; but did not succeed in getting any testi-

mony against me from any of the crew. They did not proceed to have a confrontation.

On the presentation of the act of accusation Mr. Delandes, president of the chamber of representatives, who had hitherto acted as one of my counsel, withdrew, saying he had been warned by the government not to interest himself further in my behalf, and leaving my defense to Messrs. Linstant and Laveaux, promising to assist by his advice without being further known as one of my counsel.

Linstant and Laveaux came to see me in my dungeon to receive from me the act of accusation which had been handed to me; they had been informed by Delandes of the papers in relation to the transaction at Grand-Caymans, and asked me where they were. I told them they were inclosed in a package with India-rubber covering, and sealed with the seals of General Gourgue of Fort Liberte, and the French vice-consul, Mr. Meneau. Mr. Laveaux at once went to the minister of justice, Dubois, with whom he found the package, and gave notice that as it was sealed with the French consular seal he would get the French consular-general to come and open it. He went for that purpose and returned with the chancellor of the consul-general to open the package, but Dubois refused to produce the package. The French consul-general, Levreau, then sent to the minister of foreign affairs a notice, to be communicated to Dubois, not to break the seal of the package without his being present to authorize it, and take a list of its contents. Mr. Levreau also called on Mr. Lewis, United States commercial agent, and at his instance Mr. Lewis wrote to the minister of foreign affairs informing him that the said package contained papers of vital importance to me in the new matters which they were bringing against me, and demanding that the said package of papers should not pass out of the possession of the ministers of justice, or be opened until I should be present, or some authorized representatives, to see the papers and take what should be necessary. The minister of foreign affairs answered that his request should be complied with. Without regarding this promise we ascertained next day that the package had been opened, as some of the papers had been seen in the hands of Cano, my accuser. From that day my lawyers took every means to get the papers, but were sent from the minister of justice to the government attorney, from him to the clerk of the court, from the clerk back to the minister, who said the papers had been given to the government attorney, who wanted them to make up his case. Mr. Linstant then received a note from the clerk saying that the papers were with him, but he was forbidden by Lilavois, government prosecutor, to show them, or any of them, to my counsel. Mr. Linstant then went to Judge Boco, president of the court, and procured an order from him to the clerk to exhibit those papers instanter. On the presentation of this order to the clerk he went into another room to get the papers, but Lilavois was there and seized them and carried them away. The next day was the day of trial.

The next day I was taken out of my irons and brought into court with the rest of the crew, surrounded by soldiers, and they began to draw the jury, but by advice of counsel I refused to exercise my right to select six of the jury, denying their jurisdiction. Then they chose a full jury themselves. My counsel then pleaded that the court had not jurisdiction, which plea was sustained by the court; Judge Boco, a negro from Congo, a good and learned man, pronouncing judgment immediately in my favor; that as I had committed no offense in Hayti, I was not subject to the jurisdiction of the country, but should be remitted to my own Government for trial.

Within twenty-four hours this judgment was taken to the court of appeals, where Judge Dauphin, the president of the court, reversing his former decision as one of the commission which decided that I was not amenable to the Haytian laws, set aside the judgment, and ordered me to be tried again. The three judges who had decided to release me were sent to jail, a new court was formed, a new jury drawn, and I was placed on trial again. Three witnesses, the pilot I had taken from Carthagena, Lobos, one of the five sailors I had caused to be put in jail, and a boy whom I had left at Port au Prince, whom I had named as necessary to my defense, were seized without any charge, and imprisoned, so that I should not be able to procure their attendance. I stated that as my defense was thus gagged I should make no attempt at defense, but denied the jurisdiction of the court, and begged my consul to withdraw. The government prosecutor then proposed to assign counsel for my defense. My counsel, who were still present, said they were there to defend me; but if I did not wish their services, why should counsel be assigned me? The chief judge said if I did not choose to be defended I must suffer the consequences. It was then suggested to me by Linstant to have Brown demand my counsel to defend him and Collar, and they would present all the points in my favor in defending them. This was done and the trial proceeded.

My steward, who was produced as a witness, for swearing in court that I had not been guilty of any wrong toward Cortez, was dragged to jail and the French consul-general had to interfere to get him released, and when they wanted to bring him into court again he would not permit it. Mr. Laveaux, for alluding to the extraordinary means resorted to to produce a conviction, and to the abstraction of my papers so that they could not be used in the defense, was hurried off from court to jail. In the course of the trial Linstant ventured to allude to the abstracted papers, referring to a document under the hand of Mr. Eden, United States consular agent. Lilavois replying and referring to remonstrances of Mr. Lewis, which will be hereafter mentioned, denounced the Americans as pirates and thieves, descended from paupers, and none of them better than filibusters; and said he disregarded their protest, and that if any such paper existed, certified by Mr. Eden, he was one of the same piratical nation, and had been conniving and confederating with me in my crimes.

Miranda was produced as a witness, and having heard that he had been condemned to the galleys in France for some felony, Mr. Linstant, with intent to show that he was an incompetent witness, asked him if he had ever been at Toulon, when immediately the chief judge interposed and forbid Linstant asking any such question, saying if he did so he should follow where Laveaux had gone. At this Linstant said he did not wish to go to jail, and took leave of the court and withdrew, so that the Americans on trial, Collar, Brown, and Castay, besides myself, were from this time left without defense in this court of savages.

On the third day the cause was submitted to the jury, who retired, Lilavois going out with them, and in a few minutes returned and announced their verdict, convicting me as principal of the crime of piracy, and Collar, Brown, and Castay as accomplices, and acquitting all the French sailors, including the one who had been put in irons for asserting my innocence.

The court then condemned me to death, and Collar, Brown, and Castay, each, to five years' hard labor in chains. The sentence also condemned me to pay \$1,000 to Cortez and confiscated to the profit of the state

the bark William, with all the property on board. A certified copy of the act of condemnation is filed in the Department of State.

Before the trial a Spanish fleet had arrived making hostile demonstrations against Hayti, when Cano and Cortez dropped their claims to British protection, and claimed to be Spanish subjects; passing in a moment from the jurisdiction of the British consul, which last, Escalante by name, with the commander of a Spanish frigate, appeared each day in court in the company of these new-found Spanish subjects.

About the time of the first trial, having heard that General Carrie was going on board the bark to bring off the valuables he might find there, Mr. Lewis protested against such proceeding, and against any one going on board, and especially any person knowing where the bullion and most valuable property was kept. Notwithstanding this protest, General Carrie went on board and brought away my bullion and money, amounting to about forty thousand dollars, and silver plate, and some of my wearing-apparel, and other property, in all loading a wagon and two donkeys. When this was known, a few days afterward, by Linstant's direction I made a protest addressed to the minister of justice, which Collar wrote from my dictation, as I was chained and he was not. A spy was present and informed the jailer of this protest, who took it and gave it to General Carrie, who, although it was addressed to the minister of justice, his superior, and sealed, broke it open, and when he discovered that it was in condemnation of his own acts had me removed from my dungeon to a smaller, more damp, and miserable one, nearly under a vile privy, with short heavy irons, where he kept me for two months as a punishment for complaining to the minister of justice of his robbery of me.

Immediately after my condemnation I wrote to Mr. Eden, of Grand Caymans, informing him of my trial and sentence, and for what I was sentenced, and appealing to him to do something to have my sentence revoked, for he knew my innocence, and I hoped that my counsel might cause my execution to be deferred till I could hear from him. Mr. Eden answered from Kingston, Jamaica, giving the strongest assurance of my innocence, and also sending testimonials of his own high character, to show that if I had been guilty of any crime toward Cortez he would himself have arrested me. He stated that it would require about two months to procure copies of papers from Grand Caymans, but he would do it as early as possible, which he afterward did, and the papers were forwarded by Mr. Camp, vice-consul at Kingston, Jamaica, to Mr. Webb, who had succeeded Mr. Lewis as commercial agent at Port au Prince.

Between the first and second trials, Mr. Lewis made a protest and sent it to the minister of foreign affairs, in which he set forth and protested against the various acts of illegality, oppression, and torture, while unconvicted of crime, of which I had been the victim, and as bribery had been employed to obtain testimony against me, and my papers abstracted so that I could not properly defend myself, he demanded that I, with my vessel and cargo, should be surrendered to him to be sent to the United States. A copy of this protest is on file in the Department of State.

My counsel appealed in my behalf from the judgment, Mr. Laveaux having set me at liberty on the conclusion of the trial, notwithstanding which I was two or three days after sentence taken out to be shot, and tied to a tree, and about a dozen soldiers with muskets brought up before me, and three times leveled their pieces at me; but after about three hours an officer approached on horseback and spoke to the com-

mander of the guard, who untied me and returned me to my dungeon in irons. No explanation of this proceeding was ever made to me, but it has been suggested by my counsel that it was prompted by the revengeful feeling of General Carrie, who wished to daunt me and make me suffer the fear of immediate death.

About five months after the trial my appeal was brought on for a hearing, although the law requires all appeals, when the party is deprived of his liberty, to be heard in thirty days. Among the exceptions taken by my counsel was one to the competency of the jury which condemned me, which was wholly composed of military men, who are by law excluded from juries. My counsel had taken and presented thirteen exceptions, on reading which, the government attorney attached to the court of cassation, Andre Germain, acknowledged their justice and sufficiency, and said he was ashamed to be a Haytian and see such a case in the courts of the republic, and that to show his sincerity he would furnish four additional grounds on which the judgment ought to be set aside, which he did. In the discussion before the court, Germain sustained the appeal, and the court seemed about to decide in my favor, when a private message was brought from the President of the republic to the president of the court, Dauphin, whereupon the court terminated the discussion and retired to a private room, whence they soon returned, and immediately announced their judgment, sustaining the judgment of the criminal court in all respects except the penalty of death against me, which was to be changed to five years' imprisonment, which was ordered to be imposed by a court to be convened at Cape Haytian, without any new trial or intervention of a jury, whither I was to be sent to receive such sentence and the punishment they awarded. In order to justify, to themselves, this decision, they altered the verdict of the jury, striking out the words "with force of arms and threats of assassination." Germain at once said, "Gentlemen, you will repent of such an outrageous decision; Hayti will sink if such injustice is sustained." After the court dissolved, Linstant said to Dauphin, president of the court, with whom he was on terms of familiar and intimate friendship, "Thou hast committed a great blunder." To which Dauphin replied, "Don't you see that we acted under the orders of the President? It is a political decision."

Some time afterward I received a note, conveyed to me secretly, warning me to be on my guard against poison; and soon after the jailer brought me a dish of soup, an attention never rendered me on any other occasion. I pushed the soup aside, saying I was too sick to eat; and a negro soldier who was confined in the same dungeon, under sentence to be shot, took it and ate it, and in half an hour he was dead. His body swelled up like a barrel. The corpse was dragged out, and nothing said about it.

During the period between trial and hearing of my appeal, the papers for which I had written to Mr. Eden were received by Mr. Webb, now the United States commercial agent. Linstant got the papers from Mr. Webb, and seeing that they fully established my innocence, prepared to prosecute Cano and Cortez for their perjuries and fraud. These men had not as yet received the money adjudged to them; but now, when they were in danger of persecution, the President ordered them to be immediately paid, and they, as soon as they received their money, ran away—taking horse across the country to Jacmel, to reach the British mail-packet which touches there. These facts were afterward related to me on my escape from Hayti, on a Spanish steamer, by Mr. Serranne, Spanish vice-consul in charge of the consulate-general, who said he him-

self paid them the money at the urgent instance of the President, and knew of their flight and the reason of it. Linstant took the papers received from Mr. Eden and showed them to the President, who said: "We know Pelletier is innocent, but General La Motte has by his folly got us into this entanglement with him, and I should be the greatest enemy of my country if I should now suffer him to go free, for you know he would put two or three nations against us, and it is therefore my duty to sacrifice him."

I was for a long time sick in my dungeon, and begged of the jailer that I might be allowed a physician and medicines; but was constantly refused. The jailer, however, informed Mrs. Linstant of my sickness, and she went to the President, and by importunity, and shaming him, obtained permission to visit me, and procured for me the benefit of some air; though when she would leave me, although promising to leave the door of my dungeon open so that I could breathe, they would immediately close it. The relief afforded me by her mitigated my sufferings and saved my life.

At length, about the close of May, 1862, the chancellor of the French consul-general, the Marquis of Forbin Janson, came to me, the dungeon being opened to him, and told me the marquis had received orders from the French government to inquire into my case, and wished me to state to him the facts about the breaking of the French consular seal which had been affixed to my papers. He also said the marquis had received some further orders concerning me from his government, and would himself call on me the next day.

The next morning about three o'clock my dungeon was opened, my irons taken off, and I was brought out and taken by a guard of about a dozen soldiers, led by an officer on horseback, and marched away, weak as I was, out of town, without giving me a word of information as to my destination in answer to my inquiries; nor had I any suspicion where they were taking me, till at the end of about a week we arrived at Gonaves, when I concluded I was being taken to Cape Haytian, which proved to be the case. I was very feeble, and when we began to ascend the mountain, *des Roches*, I often fell from inability to walk or stand. They would then beat me with sticks to force me on, and when I was completely exhausted they would push me on again. In this way I was forced across the mountain, and when I reached Pleasaunce, on the other side, I was wholly exhausted, and unable to proceed farther. My clothing was all gone, the skin and flesh of my knees was worn through to the bones, all my toe-nails were torn off, and my body was one continuous sore from my shoulders downward from beating with sticks. I fell helpless. The general of the place, less barbarous than those who had brought me there, permitted some women to bathe me, and had me placed on a litter of sticks covered with leaves, on which I was conveyed to Cape Haytian, where I arrived the same day I passed Pleasaunce; the whole journey having occupied more than twenty-three days, though I do not know the exact time.

I was immediately taken to a dungeon. My arrival in such a state of suffering caused a sensation, and the next day Mr. Boden, the British consul, the German consul, and Mr. Folsom, United States commercial agent, who had succeeded the infamous renegade Hubbard, called on me and found me ironed, notwithstanding my dreadful condition. Their indignation was greatly excited. They remonstrated with the general of the place, and endeavored to persuade him to place me in a hospital, but he refused. He consented, however, to have them send me a physician, and I was thenceforth regularly attended by Dr. Garcia, a

Spanish physician. The consuls all wrote to Port au Prince to the representatives of their respective governments, setting forth in indignant terms the barbarities which had been practiced upon me, and calling for their interference with the President for my relief. The curate, Father Petholit, also wrote to the archbishop and vicar-general, Father Pascal, who sent back to him to relieve my necessities to the extent of eight gourdes, about 50 cents a week.

These communications to Port au Prince had the effect to induce President Geffrard to send his sister, Mrs. Casting, a very kind woman, to me with 200 gourdes, about \$16. She assured me that her brother, the President, was not responsible for the cruelties I had been subjected to, but that it was the fault of Gen. Carrie. Encouraged by her kindness and her assurances in regard to Gen. Geffrard, I afterward, when I got able, wrote to him a long letter, setting forth my whole case, my innocence and my wrongs, and appealing to him for justice, but he never answered me.

The American, British, and German consuls continued very kind and attentive to me, and often visited me and gave me money when I needed it. At one time, speaking with them of Mr. Hubbard, I asked why he had so cruelly neglected me. The German consul answered that he was wholly identified with the Haytian interests; that he was then gone to Europe to marry a mulatto wife, the daughter of Minister Dupuy; that he had large pecuniary contracts with the government, and had no other country but Hayti.

The consuls procured Mr. Henry Baudeauf, nephew of Dupuy, to act as my counsel when I was brought before the court in pursuance of the order of the court of cassation. The court read the order, and on Mr. Baudeauf rising to take exception they stopped him and would not permit him to speak. They then pronounced sentence upon me of five years' imprisonment at hard labor in irons, and asked me if I had anything to say; I answered that I had, and was about to proceed, when the judges sprang to their feet, saying "Don't speak, don't speak," and put on their hats and rushed out of the room. Messrs. Folsom, Boden, and the German consul were present. I was returned to my dungeon in irons. Baudeauf filed his exceptions and appealed from the sentence. Mr. Folsom wrote to Linstant, one of my counsel at Port au Prince, and received a reply from him, which is filed in the Department of State. Mr. Folsom then told me that as Hayti had been recognized by the United States, and a minister appointed to reside at Port au Prince, I must await his arrival, when he would doubtless interfere in my behalf.

About November, 1862, I heard of the arrival of Mr. Whidden, United States commissioner at Port au Prince. I wrote to him, as did also Mr. Folsom and Mr. Boden in my behalf. Mr. Whidden answered Mr. Folsom that President Geffrard was then absent on a tour, but that on his return he would have an interview with him, and would send for me. Accordingly in December an order came to send me to Port au Prince, and I was taken out of my dungeon, relieved of my irons, and embarked on board a schooner. The consuls continued their kindness to me till my departure, and accompanied me to the wharf, and Mr. Folsom gave me money before we separated.

I arrived at Port au Prince, after a voyage of about five days, some time in December. The next day I was taken to the house of Mr. Whidden, to give him an opportunity to examine me and learn the story of my treatment in Hayti. He took notes of my statements, and directly commenced negotiations with Dupuy for a settlement, Dupuy

being anxious to bring the matter to a close. Mr. Whidden, however, soon informed me that the case presented two aspects—one for the public wrong by insulting the American flag, and one touching the spoliation and oppression to which I had been subjected—and that he must receive instructions from Washington before he could conclude any arrangement. After Mr. Whidden had received advices from Washington, he was on the point of making an arrangement with Dupuy, when he was taken sick and obliged to leave for home on leave of absence. He sent for me and told me the affair was in a fair train for settlement, and would be left in the hands of Mr. Henry Conard, who would doubtless bring it to a close. The Haytians, on his leaving, became indifferent as to an early settlement, and sent their papers and instructions to their minister in Washington, as I was informed. So the matter rested, as far as any overtures for a settlement was concerned, till after Mr. Whidden's return from his visit to the United States in 1863.

In the mean time Mr. Whidden, seeing my feeble state and the sickness I suffered, had procured my transfer from prison to a hospital, and afforded me all the relief and comfort possible, as did also Mr. Conard. I was taken to jail once again for about a month, but not ironed, and then returned to the hospital, where I remained till my escape.

In April, 1863, I wrote to the President of the United States, and received a reply from the Department of State in June following, assuring me that my case should receive just consideration.

About this time the appeal of my counsel, Mr. Baudeauf, from my last sentence at Cape Haytien, which had been suffered to remain unnoticed for nine months or more, contrary to law, was brought to a hearing. Mr. Whidden remonstrated against reviving this matter at so late a day, as tending to complicate and embarrass the case now under negotiation; but they disregarded him and proceeded to affirm the judgment, and further decreed that I should be sent before the correctional court to have some punishment inflicted upon me for the terms in which my counsel had referred, in his appeal, to the decision of the court, as having been in excess of their authority. They did not, however, take me before the correctional court. On this hearing, Linstant produced and offered to read the papers received from Mr. Eden, in place of those which had been abstracted, establishing my innocence; but they would not hear him, and forced him to withdraw. After the decision some of the judges called on me and apologized, saying they were obliged to render a political decision, or they would themselves be subjected to punishment, to the ruin of their families.

After Mr. Whidden's departure I was informed by a Haytian friend that St. Amant, in a speech in a council of ministers, had referred to historical instances in Venice and Rome where the supreme authorities had resorted to assassination by poison to rid the State of dangerous or obnoxious persons, and contended that such means were proper, and that I was a fit subject for the application of the policy. My friend warned me to be cautious against poison, and the physician of the hospital admonished me to bar my door at night, and in all ways to guard against assassination. I made immediate representation of these matters to Mr. Conard, who came to see me, and told me not to eat anything they offered me, and gave me food from time to time, and also money.

When Mr. Whidden returned, about September 27, 1863, he very soon

called on me, and told me Dupuy was absent from the country, and General Damier was acting as minister of foreign affairs, and that General Damier was prepared to settle my claims, and had promised him to be magnanimous and generous toward me. He anticipated an immediate close of the whole affair, and several of my friends to whom this had been communicated called to congratulate me, saying I would next day be set at liberty and restored to affluence. Twenty or more days elapsed, and I became very sick; even the physician of the hospital feared I had been poisoned. When I regained a little strength, General Damier having sent a note to Mr. Whidden putting an end to all hope of justice toward me, and saying that I had been legally condemned and must suffer according to my sentence, unless I would ask for a pardon, which in that case would be granted and money given to me, measures were taken for my escape.

The French consul-general, thinking I would die, came and drew my will, which I executed, and he gave me \$20. The British consul, the Spanish consul, Mr. Whidden, Mr. Linstan, and Father Pascal, each gave me \$20. Some of this money was conveyed to me by the physician of the hospital.

In the mean time I received a letter from my sister in France, informing me that Dupuy, who was then there, had promised my family that if I would ask a pardon it should be granted and a large sum of money given me. They, anxious for my liberty and return to life, begged me to accept these terms.

A friend residing at Kingston, Jamaica, being at Port au Prince, called on President Geffard, who made to him similar propositions.

As I had never committed a crime, I could not ask a pardon from my oppressors, but preferred to run away and rely upon the justice of my own country.

On the 11th of November, 1863, at 10 o'clock p. m., I scaled the wall of the hospital by the assistance of some ten ship-masters, who furnished me with ropes and aid, and went under the escort of the same gentlemen to the French legation, not choosing to go to Mr. Whidden's, because I knew if I was searched for it was there they would look for me. I staid at the French legation about thirty-six hours, and then went to the British legation, where I remained about an equal period. The police were busy and active in searching for me, but I remained secure.

On the evening of November 14 I embarked on board the Spanish steamer Monte Christo, Captain Arriago, bound for Kingston, Jamaica. I was escorted on board by Mr. Saint John, British minister, and the Marquis of Forbin Janson, French *chargé d'affaires*, and about sixty ship-masters and other gentlemen.

Captain Arriago had his steam up ready to start the moment I arrived on board, and gave me a free passage to Kingston, where I arrived on the evening of November 16.

I immediately called on the United States consul, informed him of my case, and placed myself under his protection.

At Kingston I met Mr. Eden, of Grand Caymans, and several other respectable residents of that island, who had knowledge of my proceedings there, and my dealings with Cortez, and took their testimony in the matter before the United States consul, also proof of my efforts there to provide a cargo of guano for my return voyage. I also met Captain Stubbs, of the Alma, who had aided me in my distress on the banks of Caicos, and got his deposition to the facts. These depositions are all filed in the Department of State.

After getting the testimony of Mr. Eden and his neighbors, as they

and myself were all well known at Kingston, I published in a paper of the place so much of the history of my case as is connected with Grand Caymans and my dealings with Cortez, with the testimony establishing my innocence therein. I did this to place myself right before the community of Kingston, where my witnesses were known, and where the Haytian emissaries were still endeavoring to prejudice me in the public mind. These emissaries, one Laraque, consul of Hayti, at their head, used all their exertions to prevent the newspapers from publishing my narrative.

I omitted to mention in the proper connection that after my condemnation the bark was advertised to be sold at public auction, with all my instruments and things belonging to the vessel. At the opening of the sale a party offered a large sum of money for the whole, which was refused on the plea that it was insufficient, and the sale postponed till the next week, when it was again offered, and purchased by one Mr. Rivierre, partner of President Geffrard, for the sum of 4,000 gourdes, about \$480. Mr. Lewis protested against the sale of my instruments as not being subject to any forfeiture.

After the sale the vessel was immediately repaired and fitted out by Mr. Rivierre, partner of the President, and sent to Boston for further repairs and for a cargo of ice, in which trade she was regularly employed until lost.

The next session of the chamber of representatives strongly denounced this corrupt action of the government, whereupon the President called a force of armed troops, and suppressed the chamber, and turned out the members, and ordered a new election, when his own partisans and soldiers were chosen.

Suffering all the time from illness engendered in Haytian dungeons, and ruined in fortune, I at length applied to the United States consul for aid; and by his assistance was enabled to leave Kingston on the 5th of May last, and arrived in the United States on the 14th of the same month.

I write this narrative at Providence Hospital, in the city of Washington, where I am receiving medical attendance, and careful nursing from the Sisters of Charity, in the hope of re-establishing, in some measure, my broken constitution.

Having now completed my narrative, I beg leave to submit a few comments on some points that seem to require special attention.

The dispatch of Mr. Hubbard to the Department of State, dated April 13, 1861, seems the only document that gives my case a bad aspect before the Department, and that more by its coloring than its facts. Its coloring is false, and its facts are not true.

I have charged Mr. Hubbard with countenancing and aiding the Haytians in their unlawful and barbarous treatment of me. Concerning his motives I have to say that he was an adventurer who devoted himself to the acquisition of wealth in Hayti. To this end he courted the favor of the government; getting profitable contracts, and identifying himself socially with them. At the time I was seized, he was under a matrimonial engagement with the daughter of Dupuy, one of the ministers of the republic, and one of my worst enemies, a colored woman, whom he afterward married. He has settled himself permanently as a merchant at Port au Prince, thriving on the favor of the government.

He takes pains in the beginning to throw a cloud over my voyage, as "very round-about and apparently illegitimate," though it is hard to imagine how my wanderings in the West Indian seas, however varied and

unfortunate, could be connected with any idea of a slave-trading expedition.

He says I entered my vessel at Port au Prince as "coming from New Orleans," but "could show no regular clearance from that city." I did not enter my vessel as coming from New Orleans, though she was registered as belonging there, but my papers showed my voyage to have commenced at Mobile, and Mr. Lewis, our commercial agent at Port au Prince, testifies that my ship's papers were correct, and delivered to him in due time.

He says the bark was "suspected of being a slaver, which suspicion was substantiated by the written evidence of several of her crew and passengers." This is wholly untrue. The suspicion was started by the declaration of Binar, a passenger, who was trying to extort money from me, and supported under the influence of bribery, as is proved by the affidavits of Thibodeaux, Collar, and Brown, by the five sailors whom I had put in jail for stealing. But not one of these men swore to anything more than hearsay and suspicion, and the suspicion was never *substantiated* by any circumstances, or the oath of any one.

He says there were found twenty pairs of handcuffs on board. No such proof was ever made, and only eight pairs were ever on board. He speaks of twelve revolvers and four rifles. The revolvers were sold before any suspicion was aroused, and the rifles were double-barreled hunting-guns, and only three.

He tries to inflame prejudice against me by referring to two kegs of powder as a large amount to be on a merchant-vessel, when, if he knew anything about it to authorize him to speak of it at all, he knew that the powder was on the manifest as cargo, and had been sold and debarked before the beginning of any difficulty.

He says there were in the hold a large number of beams and cross-bars, and plank. No such proof was ever made; no such fact ever existed. I had only my cargo of lumber, which was sold before any trouble, and a few pieces of scantling, not exceeding half a dozen for ordinary use.

He says there were also in the hold a large number of water-casks, reported over a hundred. No such report was ever made; no such proof was ever exhibited, or obtained, or offered; no such fact ever existed. Eight water-casks were all I ever had on board, though, as elsewhere stated, I filled some twenty or twenty-five empty provision-barrels with salt-water for ballast.

He says that I had a large quantity of provisions, but in fact my supply was inadequate for my crew, and I had to buy an additional quantity at Port au Prince, and again of Captain Stubbs, as is shown by his affidavit.

While detailing matters intended to criminate me, Hubbard states in positive terms, as facts, without giving his authority, such things as he must have learned from the Haytians, if he did not fabricate them himself; but when he comes to speak of any complaint of mine, he is careful to refer to me in such manner as to show that he hopes he has so far discredited me as to deprive my word of all weight.

So he says my handcuffs were taken away and delivered to the government, but is wholly silent as to their restoration to me. And then he speaks of the seizure of my vessel, the trampling upon the flag, and my demand for reimbursement of the damages I had suffered, in such terms as to convey the idea that my complaints were unfounded, and my claim unworthy of attention.

Hubbard then speaks of an arrangement effected by the United States

commercial agent, and says that "after I had sold some goods which it would appear had been shipped on board the vessel on freight in Carthagena, to be delivered in Rio de Hache, and taken a few tons of logwood, I left Port au Prince." In this he adheres to his purpose of stating everything so as to bear an appearance unfavorable to me. In fact, all that property had been sold and debarked before any trouble occurred, and wherever Hubbard learned that I had received it at Carthagena to be conveyed to Rio de Hache, he must at the same time have been informed of the reasons of my change of destination, and the manner in which I became the owner of the property. But it did not suit his malicious design to communicate these facts to the Department.

He says my crew was very large, not less than twenty men of all nations, but principally runaway Frenchmen and Spaniards. If he had applied to the United States commercial agency at Port au Prince, certainly the proper quarter for an American official to apply to for information of American ships and seamen resorting to that port, he would have learned that I arrived there with a crew of twelve beside myself, including clerk, steward, and cook, three, who did no duty as seamen; and after losing one by death and five by imprisonment, left with the same number, having lost something in the efficiency of my crew by shipping boys instead of able seamen, being, in fact, very light-handed for so large a vessel as the *William*. He would have learned that my crew were all Americans on my arrival, and all Frenchmen when I left, instead of being "of all nations," and not a Spaniard among them. As to their being runaways I have no knowledge, and cannot conceive how Hubbard could have acquired any. I can only say that after leaving the five high-binders in jail at Port au Prince, my crew, though not efficient, five of them being boys, were orderly and of good behavior, except the villain and thief *Miranda*.

He says my real object in going to Port au Prince, which I endeavored to effect without success, was to engage fifty men and six women, Haytians, for the given purpose of working a guano island. It is true that this was part of my object; my other motive being to find a market for my cargo. But why should Hubbard represent this object in an invidious light, and refer to my failure in it as if a wicked design had been baffled? Surely the purpose was one of legitimate commerce, and there is no reason to doubt that I would have succeeded if malice and cupidity had not combined to foment such difficulties with the Haytian government as caused me to abandon the enterprise.

All these matters of false statement, and distorted truth, Hubbard trumped up within two weeks of my seizure at Fort Liberte, showing clearly that he was concerting and confederating with the Haytians to make up a case against me, and so report the case to the Department of State as, if possible, to close the doors of justice against me. He never applied to the United States commercial agency at Port au Prince, where proof existed of the falsity of most of the allegations against me which he sanctioned with his name.

If he had come to Fort Liberte, with whatever prejudice his mind might have been imbued and clouded, and as was his right and duty, obtained possession of my papers, he would have held the proofs in his own hands of my innocence in regard to every charge ever imagined against me, and put it out of the power of my plunderers, *Lilavois*, *La Motte*, *Carrie*, and their associates, to carry out their nefarious schemes.

But the pursuit of justice and the performance of duty were not at that time the objects of Hubbard's attention. He was then only solicitous to uphold the Haytians in the course they had resolved upon to-

ward me; whether moved only by the desire to pay his court to them, or hoping also to participate in the plunder of my wealth, I cannot judge.

He proceeds to give a pretended account of my appearance off the coast on the 25th of March, to the northeast of Cape Haytien, and my gradual approach to, and final entry at, Fort Liberte on the 31st, in which he falsely asserts that "I sometimes anchored in the small bays and inlets of the coast," and one night particularly in a "small bay called Fondblanc, near the village of Caracol," adding, as a proof of some criminal design, that "the next morning a quantity of foot-prints were found on the sand on the beach." Not one word of this is true, and it seems to have been an original and gratuitous falsehood of Hubbard's, for the Haytians, although they pretended to have such suspicions, did not assume to have received any proof of the facts, and even Miranda, my accuser, distinctly stated the contrary.

He says that on the 29th March I saluted an American schooner with the French flag, and furnishes what he calls an affidavit of Captain I. B. Gage to uphold the statement. I do not question the good faith of Captain Gage; but it is evident that he was not called upon by Hubbard to make his statement till after he had received my letter of 6th April, and was trying to drum up material to controvert my statements, and perhaps not till April 11th, the date of his answer to me being certainly eight and possibly thirteen days after the alleged salute.

And Hubbard, doubtless fearing that the lapse of time might detract from the weight of Captain Gage's statement, carefully suppresses the date; and Captain Gage, perhaps distrusting the accuracy of his recollection, withholds from his statement the sanction of an oath.

Yet Hubbard speaks of the statement of Captain Gage, which he calls an affidavit, although destitute of date or oath, as substantiating against me an accusation of an act which he calls piratical.

But Captain Gage, in his description of the vessel which saluted him, clearly negatives the idea that it could have been the William. For he describes her as carrying royal-yards, and being taut and ship-shape; while the William did not, and could not carry royal-yards, on account of the weakness of her topmasts; and no seaman would describe a vessel so disabled, and steering wild, with her rudder loose and unsteady, like that of the William, as taut and ship-shape.

Let it be remembered also that this part of the Haytian coast, and the port of Cape Haytien, are visited by great numbers of French vessels, and it will not seem strange that Captain Gage's having received a French salute off the coast should be manipulated by Hubbard into apparent proof of criminal or suspicious acts by me.

And now I will speak, with entire candor, of my own actual fault. It is true that I did, in the surprise and terror of finding myself again in Haytian jurisdiction, deny my identity, and pretend to be French, and instruct my crew to carry out the deception. If my log-book, and the testimony of my crew, could be procured it would be seen that I called my crew aft and stated the reason of the deception when I gave them their instructions. It is true that, by the officious kindness of General Gourgue in offering to convey a letter to the French vice-consul, I was induced to attempt the continuance of the deception, by causing a note to be written to that officer, in the character of a French subject and mariner, informing him that I would sail the next day, and would call upon him personally at Cape Haytien, hoping thereby to prevent his visiting the ship or port until I should be able to escape. It is true that I intended and endeavored to perfect and

keep up this deception till I could so far repair my damages as to be able to escape out of Haytian waters.

What degree of criminality was involved in this error? Not any. It was no offense against any law; did not subject me, by any statute or regulation of public law, to any punishment or forfeiture. Hubbard calls it piracy, in which he shows his ignorance equal to his malignity. It was an imprudent and suspicious act, well calculated to arouse surmise of evil in the minds of such a people as the Haytians; especially when re-enforced by accusations of criminal intentions, such as were denounced against me by Miranda.

I do not complain that suspicion was aroused. I do not complain that rigid investigation was ordered. But does investigation necessitate dungeons, chains, and torture? Does suspicion justify conviction?

Had I not adequate excuse for any stratagem by which I could avoid or escape the power of these barbarians? My ship had been unlawfully seized by the police at Port au Prince. The flag of my country had been trampled upon and insulted by them. They had inflicted great and wanton damage upon me, and after promise of redress by the President himself, he had basely withheld it. Threats had been showered upon me, that any efforts to procure justice through my Government should be resisted and defeated. I had been driven to abandon the principal commercial object of my voyage, the procuring of a cargo of guano. Bribery had been employed to procure false testimony against me. I had been ostentatiously and insolently chased to sea by a public armed ship. For all these insults and wrongs I had given no provocation whatever. I could anticipate nothing but repeated acts of oppression and spoliation if I should again fall into the hands of those who had shown themselves so unscrupulous in the abuse of power. Having, after most strenuous efforts to avoid it, drifted upon their coast with a disabled ship, and a weak and inefficient crew, and entered a bay with a narrow entrance under a misapprehension, thinking it was Porto Plata, from which I could not sail out again except by aid of the land-breeze at night, my first and controlling thought was to make sure of my escape. I resorted to the expedient of denying my identity, and feigning a different nationality. I speak several languages, but decided to pass for French, because the French have more commerce and are in greater favor on this coast than any other nation; and because a part of my crew were French and talked that language, which is also the language of the country.

Looking back, after all I have suffered, and reflecting coolly upon the circumstances in which I was placed, I cannot reproach myself for the course I adopted. Had I been in command of a vessel belonging to other owners, I should have felt it my duty to employ every means, short of actual force, to rescue ship and cargo from the danger into which adverse fortune had betrayed me. I was, on the contrary, sole owner of ship and cargo; but this fact did not diminish my anxiety to escape.

My use of the French flag at the foremast-head as a pilot signal, and feigning to be French, were never charged against me as a crime, except by Hubbard, to excuse his abandonment of me to the cruelties of my enemies. Even the French vice-consul, Meneau, although equally with Hubbard mixed up with the Haytians in his family relations, and very bitter in his hostility to me, anxiously and officiously interfered to examine and verify my papers, and to protect such of my crew as claimed to be French subjects.

It was only the Americans who were shut up in dungeons, subjected

to irons and torture, and deprived of all aid and counsel, even on trial, except that afforded by enlightened and benevolent Haytians, at the peril of imprisonment.

Hubbard makes several minor misstatements about proceedings at Fort Liberte, and then ignorantly and falsely denies that I had raised the American flag at the time of my seizure. He assumes to support this denial by a letter from Meneau, French vice-consul, who was as little able as himself to give information on the subject, not having been within eight miles of me at the time, for I was seized at the mouth of the harbor, opposite the lower fort, while Meneau never came below the town at the head of the bay, eight miles above.

The American flag was flying at the peak when I was seized.

Finally, Hubbard, without stating his authority, for bear in mind he never saw the bark, nor me, nor any of the crew, says that "after leaving Port au Prince the name of the vessel and port to which she belonged was erased from the stern of the bark, and she bears on her hull no indication or mark of her name or nationality.

The Haytians never had any proof of such a fact. I never heard that they pretended to any such thing; and certainly no such fact ever existed.

At last Hubbard gives his opinion that I intended to kidnap Haytians and sell them into slavery. He acknowledges the incredibility of the design, but thinks I would probably have accomplished it but for the timely discovery which baffled me.

To show how gratuitous and absurd such an opinion is, needs only a moment's reflection. Passing over the condition of my ship, damaged beyond the possibility of thorough repair on a coast so destitute of facilities, short of provisions, short of water, and with a crew of only four able seamen, including officers, beside myself, the rest being boys and landsmen, let us inquire where a market could be sought for a cargo of Haytians, people accustomed to most of the habits and usages of civilization, talking the French language, and possessing more or less knowledge of literature. Single instances of successfully kidnapping free persons in the midst of civilized communities, and selling them into slavery, have doubtless sometimes occurred, but the act in any such case must have been facilitated by great ignorance on the part of the victim, for even in the most benighted slave-holding portions of the United States, public opinion has always promptly rallied to the rescue of a person so wronged when his case became known. But to carry out such a purpose to the extent of a cargo, or any considerable number, would be utterly impossible. A person who should commit such a crime, with momentary success, would be hunted through Christendom, and nobody would grant him protection.

The papers taken from me by the Haytians included my ship's papers, with all the documents connected with her purchase and outfit, documents relating to all the business transacted at the various ports and places touched at on the voyage, and a great number of private papers relating to business I had been and was engaged in, my certificate of naturalization, sundry deeds of real estate, and a large amount of miscellaneous correspondence and papers. These papers showed that I had been for many years and still was engaged in legitimate and respectable business, and that all my proceedings on this voyage, especially my transactions with Cortez, had been regular and honest.

There are various proofs that they carefully examined all these papers, and were thus thoroughly informed of my innocence in regard to all matters which they alleged against me. Having my certificate of natu-

ralization in their possession, and probably thinking it could not be replaced, they pretended to this Government to doubt my citizenship, and suggested an inquiry into the fact. They found some letters from the New Orleans house with which I was connected, written after the commencement of the voyage, referring to the return cargo I was expected to bring, and speaking of having visited several plantations and found the demand so encouraging as to justify the bringing of a full cargo, much more than we had at first contemplated. These letters, because guano, the article to which they related, was not named in them, they pretended to believe referred to slaves, though they have never attempted to explain when or in what manner the West Indian seas had or was to become a source of supply for slaves, except by the absurd notion of kidnapping Haytians. From these papers they got the clew which led them to form the conspiracy with Cano and Cortez, for which purpose they sent for them eight or nine months after the events in which Cortez was interested, to Santa Martha, where they caused them to make a protest in the British consulate, which had never before been thought of, and brought them to Port au Prince, and consummated the villany by paying them \$4,000 of my money for their fraud and perjury.

When the papers from Mr. Eden arrived, to replace those rifled from me by the Haytians, the government hurried to pay off its instruments, Cano and Cortez, and they ran away to avoid a prosecution, showing the guilty consciousness of both the government and its tools.

It is evident that the Haytians desired and sought to produce my death by their cruelties, in order to escape responsibility to my Government for the wrongs they had been guilty of. It is also clear that they had the same object in view in their repeated endeavors, through Mr. Whidden and others, to induce me to sue for a pardon.

It is not wonderful that they wished, by any means, to bar the door against just reclamation.

The value of the property of which they despoiled me, nearly half of which was in money and gold, was full one hundred thousand dollars.

The following is a statement of what the said property was, as nearly as I have now the means of making it :

The bark William, with tackle, &c.....	\$35,000
Gold-dust.....	32,000
French five-franc pieces.....	3,000
American gold double-eagles.....	3,000
Spanish gold coin.....	2,000
Provisions and stores.....	6,000
Pearls.....	800
Panama hats.....	1,200
Library.....	500
Speaking-trumpet, (a present).....	500
Instruments.....	2,000
Silver ware.....	800
Cargo.....	4,000
Wearing-apparel.....	500
Watches, gold buttons, rings, &c.....	500

A more full and complete statement was once made out and placed, with the proofs, in the hands of Mr. Whidden, who probably has it now in his possession.

Besides this, among the direct consequences of my imprisonment and detention, was the entire loss of my investment with Delaunay, Rice & Co., of New Orleans, amounting to.....\$50,000

Also the loss of sundry parcels of real estate, on which I had paid the greater part of the purchase-money, giving mortgages, by which the property, during my confinement, was swept from me. The purchase money paid on such property, which has thus been lost, amounted to..... 49,000

Also the sacrifice of claims in litigation, amounting to more than.....400,000

And the loss of demands and claims of divers description which, for various reasons, though then good, I cannot now enforce..... 23,000

Add to these pecuniary losses the far greater loss of near three years of the heart of my life.

Add still to this the terrible and inhuman tortures and sufferings to which I was subjected for more than two years in dungeons and chains.

And finally, chief of all, the ruin of an elastic and vigorous constitution, which has borne me through many labors and vicissitudes, during a life of exceeding activity, and enabled me, as yet, though barely, to survive the horrors of Haytian justice; but is now prostrated, with little hope of recuperation.

All these things I have suffered, being guilty of no crime.

It sometimes happens that in awarding justice between parties, although no doubt may exist as to what the rights of the contending parties are, a strong sympathy is excited for the loser in the controversy, on account of the apparent hardship in the decision.

No such feeling can intervene to protect the Haytians from their obligations to render me full justice.

They were not misled. The suspicions they might once have entertained in regard to my being a slaver were soon disarmed, shown to be groundless, and abandoned by them.

They then trumped up a fictitious charge of piracy, holding the proofs of my innocence in their own hands, and proceeded in their own flagrant wrong to my condemnation, spoliation, and punishment.

They tortured me, before any pretended conviction, and outside of any sentence, with dungeons, irons, stonings, beatings, mobbings, and starvations, in contempt of all usages of civilization, and in outrage of humanity, to a degree that would justify their condemnation in a fine of larger amount than all I claim.

I ask of my Government that reparation be demanded and enforced from the republic of Hayti for the losses and sufferings inflicted upon me.

The documentary evidence to sustain this memorial, on file in the Department of State, or presented herewith, and which is believed to uphold it in every material statement, is as follows:

1. My certificate of naturalization.
2. Protest of J. N. Lewis, United States commercial agent.
3. Sundry dispatches of Mr. Whidden.
4. Affidavits of Thibodeau, Collar, and Brown.
5. Affidavits of Wm. Eden, jr., and others, magistrates and ship-masters of Grand Caymans.
6. Affidavit of Captain Matthew Stubbs.
7. Affidavits of Captain Thompson and others, of Grand Caymans.
8. Affidavits of Messrs. Wilson and Mercer.

9. Affidavit of Joseph N. Lewis.
10. Affidavits of sundry persons as to character.
11. Act of condemnation, and sundry letters.
12. A piece of copper from one of the broken pintals of the rudder of the bark William.

No. 2.

ANTONIO PELLETIER,
vs.
 THE REPUBLIC OF HAYTI. }

The facts in this case, in brief, are the following, as appears from the evidence contained in Ex. Doc. 269, 21 session 40th Congress.

The petitioner, Captain Antonio Pelletier, a naturalized citizen of the United States, (his final paper bearing date October 6, 1852,) purchased at public auction, at Key West, of a United States marshal, during the months of August or September, 1860, the bark "William," a condemned slave.

From Key West the bark "William" cleared for Mobile, at which place she made extensive repairs, and took in a cargo of pitch-pine lumber. The bark cleared from Mobile on or about the 27th day of October, 1860, for Carthagena, New Granada, arriving at that port about the middle of November of the same year, where only a part of the cargo could be disposed of.

On or about the 23d of November the "William" took on board Juan Cortez and family, and some articles of merchandise, and cleared for Rio Hache. (It will be well to remember this Juan Cortez, as it will soon appear that he was the original cause of many of the misfortunes that subsequently befel Captain Pelletier.) Between these two ports heavy weather prevailed, and the vessel sustained considerable damage, springing the fore and main mast-heads, the maintop-mast and the loss of the starboard anchorage; four days being consumed in making ten miles.

Juan Cortez, the passenger, about this time requested of Captain Pelletier, on account of the illness of his wife, to be put ashore at the first port, proposing to pay him the sum of \$500 for so doing. The captain acceded to the proposition. Hence the "William" bore up for the Grand Cayman, West Indies, arriving at that island on or about the 14th of December, 1860. On the succeeding day Captain Pelletier and the passenger Cortez went ashore to William Eden, esq., United States consul at the port of Georgetown, before whom all arrangements for the debarkation of the said Cortez were satisfactorily concluded.

From Georgetown, on or about the 24th day of December, 1860, the "William" sailed for Port au Prince, arriving at the latter port on or about the 26th day of January, 1861, at which point Captain Pelletier disposed of the remainder of his cargo. At this port, while the vessel was being discharged, a portion of the crew broke into the store-room and became intoxicated; for which offense the captain put the offenders in prison, and under the advice of the commercial agent of the United States, N. J. Lewis, the refractory seamen were left at Port au Prince in prison. When the vessel was ready for sea eight men were shipped, all being French save John H. Brown, a naturalized American; and, according to testimony, the only reliable man among them.

During the month of February, 1861, the bark "William" cleared from Port au Prince for the port of New Orleans, with a part of cargo of logwood. After being at sea a time it was discovered that the vessel was not properly ballasted, and it became necessary to put into the island of

the Great Inagua, on the Bahama shore. While at this point, and just as the bark was getting under way, she was struck by a heavy gale and cast upon a rocky bottom, where she lost four anchors, the false keel, and the two lower pintals of the rudder.

After repairing, to an extent, the damages to the "William" and securing the rudder with tackles, she proceeded on her voyage to New Orleans, but encountering heavy northeast gales, and the vessel being in distress, the captain was compelled to put into port again for repairs; and anchored in the port of Fort Liberte, Hayti, where, on the morning of the 4th day of April, 1861, the second mate deserted and went on shore, and by false reports induced the authorities to board the bark "William" with an armed band of 500 men. (This occurred on the morning of the 5th of April, 1861.) The bark "William" and all on board were captured. Captain Pelletier and crew were taken ashore and cast into prison, where they remained during one month. On the 6th of May all were heavily ironed and sent to the prison at Cape Haytien, where they were confined until the 21st of June, and from thence they were sent to Port au Prince, and were compelled to walk about ten miles, being able only to step about two inches at a step, owing to the irons upon their legs. The three Americans were compelled to undergo this terrible ordeal; the eight Frenchmen being exempt therefrom.

Mr. N. J. Lewis, commercial agent of the United States at Port au Prince, demanded that the Americans be delivered over to him; but his demand was disregarded and treated with scorn by the Haytian authorities. The passenger, Juan Cortez, before mentioned, hearing of the trouble that had befallen the bark William and her crew, was brought by the Haytian authorities to Port au Prince, and was bribed by them to accuse Captain Pelletier of piracy—of being a slaver, and of having attempted to assassinate him while on board his vessel. All of which is proven to be false by N. J. Lewis, commercial agent of the United States at Georgetown, Thomas Collar, chief mate, and John H. Brown, seaman, and several other reliable American witnesses; (see the twelve affidavits and dispatches noted on pages 84 and 85 of Ex. Doc. 260, 40th Congress, 2d session;) all going to prove beyond a doubt the falsity of the charges, the good repute of Captain Pelletier, as well as the establishment beyond cavil of the legitimacy of the voyage of the William.

Upon the trumped-up charges before alluded to Captain Pelletier and his American comrades, in company with the eight Frenchmen, were placed upon trial, and after the most arbitrary and one-sided proceeding in judicial history Pelletier was, on the 29th day of August, 1861, condemned to death, and his American seamen to five years' imprisonment and irons—the eight Frenchmen being acquitted. Pelletier and his men were at first denied counsel or the privilege of defending themselves; and when counsel was allowed, the court refused to hear them, casting one into prison, and threatened the other with a like fate if he attempted a defense. The States attorney declared, during the trial, that the "Government of the United States would not interfere, as it was too busy with its civil war at home, and advised the conviction of the Americans in order to avoid payment of heavy damages." Pelletier and his men were debarred of every means of defense, the ship's papers being in the hands of the Haytians; their counsel and witnesses being intimidated by threats of violence and imprisonment, when bribery failed to effect their object; and even the President (Geffard) went so far as to declare: "We know that Captain Pelletier is innocent, but General La Motte has, by his folly, gotten us into this entanglement with him,

and I should be the greatest enemy of my country if I should now suffer him to go free, for you know he would put two or three nations against us; it is therefore my duty to sacrifice him." (See affidavit of Celestine Pitholat, Ex. Doc. 260, pages 134 and 135, 2d session 40th Congress.)

After ten months' imprisonment Captain Pelletier's condemnation to death was withdrawn, and he was sent to Cape Haytien for the purpose of trying him again and condemning him to five years' imprisonment. However, he was not retried.

Urbain Castay, one of the seamen, a Frenchman by descent, was liberated by the President in December, 1861, which seems to indicate that the whole proceeding was instituted and carried on for other than those objects set forth in the proceedings.

We deem it not improper to state at this point, that the authorities of Hayti used every means to prevent the accused from making good their defense. They not only imprisoned one of the counsel of the prisoners, but threatened the other with a like fate. They also paid witnesses large sums of money to testify against Pelletier and his men, and others not to appear in their behalf, while others were imprisoned in order to prevent their appearance in behalf of the accused.

After this general statement of the case we will proceed to brief the evidence, mentioning the principal points in the testimony of each affiant in connection with the various incidents and circumstances under which it was given.

The first evidence of the least importance which can be construed adversely to the legality of the voyage of the "William"—and when that is explained, as it is most clearly, it amounts to absolutely nothing—is the charge that while off the coast of Hayti she saluted an American schooner with the French flag. (See affidavit Captain Page, pp. 13 and 14.)

Captain Pelletier had been subjected to many annoyances at Port au Prince. (See the letters and affidavit of J. N. Lewis, United States commercial agent at that port, p. 37; also those of B. F. Whidden, p. 6.) The bark sailed from that port in a disabled condition, and was soon struck by heavy gales, and after drifting about at sea for several days had the misfortune to again near the Haytian coast, being unable to steer the vessel, the chronometers of the ship being damaged by the heavy thumping on the rocky bottom referred to. And knowing well the deep animosity of the Haytian authorities, in order to save himself, ship, and crew, Captain Pelletier ran up a small French flag as a private signal, leaving the American flag bent and ready to hoist at the mizzen peak. The William being boarded by the Haytian authorities, Pelletier informed them that his was the French vessel *Guillaume*, (William,) and that his name was Tellier. The boarding party (two boats filled with soldiers) compelled the captain to open the hatches, and after a thorough examination, demanded the ship's papers, which Pelletier declared to be too wet for inspection. This deception compelled the captain to keep up the appearance of being a Frenchman. After much parleying and delay the bark was assaulted on April 5, 1861, by an armed band of 200 or 300 men, in three schooners, who fired upon the William, and all on board were arrested and cast into prison.

At this point we deem it proper to call especial attention to the letter of G. Eustis Hubbard, commercial agent of the United States at Cape Haytien, addressed to Secretary Seward.

It will be noticed that every statement in this extraordinary document is predicated upon the *supposed* intentions of Captain Antonio Pelletier.

All the allegations bearing the least susceptibility of truth are fully explained, or are absolutely contradicted, by the sworn statements of other commercial agents and consuls of the United States; and by at least twenty witnesses, fully entitled to as much confidence as Mr. Hubbard, the very tone and spirit of whose letter bear the indubitable marks of bias and prejudice; which will more fully appear when it is known that he had married the daughter of General Dupuy, minister of finance for Hayti.

With this general statement we shall proceed to the evidence, in the order of its appearance, in Ex. Doc. 260, second session Fortieth Congress.

1. Alexander Thibadeau swears that he shipped on board the bark William, February, 1861, at Port au Prince; that the captain had trouble with the authorities, being accused of intentions of becoming a slaver; that J. H. Lamothe, minister of police, offered \$200 if he would make a false deposition against Captain Pelletier, then in prison, to the effect that his intentions were to become a slaver, so that the Haytian government could confiscate the bark William with her cargo; that he refused to make the false oath; that he appeared before J. N. Lewis, commercial agent United States, the same day and made affidavit to the facts above stated; that of his own knowledge five of the bark's crew did receive \$200 for making the false oath aforesaid.

2. John Henry Brown testifies that he was one of the crew of the bark William, Captain Pelletier, when she was seized by the Haytian authorities in 1861, at Fort Liberte; that he shipped on board the said vessel at Mobile, and remained with the ship until the seizure of the vessel and the imprisonment of the captain and the crew at Fort Liberte; that there was trouble with some of the sailors at Fort Liberte; that five of them were arrested and imprisoned for larceny on board the vessel. The general of police offered these prisoners their liberty and money if they would testify against the vessel, and that if she was condemned as a pirate they should receive part of the value; that by this means the sailors swore that Pelletier was a pirate, and that his business there was to steal negroes; one of the men told him so, and found fault with the Haytian authorities because they did not pay him for making the affidavit; he knew these affidavits were false, but they made them to escape punishment and get the money offered; that these affidavits were used in court against Pelletier and his men; knows that the William was not a slaver; that there was no act of Captain Pelletier during the voyage to indicate he had any such intention; that he would not sail with a vessel that was a slaver, or to be made one; that he was with the William until the seizure and arrest and imprisonment; that he was imprisoned with the others.

3. Thomas Collar testifies that he was first mate under Captain Pelletier, and sailed from Mobile in October, 1860, on board the bark William, which was taken by the Haytian authorities at Fort Liberte, in April, 1861; that there was no design on any part or portion of the voyage to make her a slaver, and it was not possible; knows the voyage was a lawful one; himself, nor any of the crew, would have consented to such an enterprise; it was impossible; the vessel was not prepared for such purpose; she was not provisioned for such purpose; it would have been madness to have attempted it; that the Haytian authorities seemed determined to convict the captain and part of his men, without reference to evidence; the ship's papers, which contained the proof of the legitimacy of the voyage, were seized and suppressed by the authorities; these papers were in possession of the authorities at the time of the

trial; that the only evidence the Haytian authorities had was that of the sailors who robbed the ship, and were imprisoned at Port au Prince; these same men afterward made affidavit that they had nothing against the William; that they swore what they did in order to procure money and their liberty; one man told affiant that General La Motte offered him \$180 to swear that Pelletier was going to steal negroes; but that he knew no such thing, and would not swear falsely; that a passenger and his family, by the name of Cortez, came aboard at Carthagena with some freight; at Grand Cayman Cortez desired to leave the vessel on account of the illness of his wife; he and the captain had some trouble about the passage-money and the freight; this was amicably adjusted, as the papers will show, at the United States consulate at the Grand Cayman; that this Cortez came to Port au Prince, and testified that Pelletier tried to injure his person while on board the William, which was seized upon by the authorities as an excuse for convicting Pelletier and his men. (These three affidavits were taken before B. F. Whidden, United States commissioner, &c., Hayti. See Ex. Doc. 260, pp. 44, 45, 46, and 47.)

4. Matthew Stubbs, commander of the schooner Alma, carrying Her Majesty's mail between Nassau, Turk's Island, and Saint Thomas, swears, that in February, 1861, he saw a bark in a dangerous position on the Caicos Banks, and went to her; found her to be the bark William, Captain Pelletier, who stated that the bark had been on shore off the reefs Inagua for 13 hours; that he had lost his false keel, both top-masts sprung, and three of the pintles of his rudder broken, and the loss of his starboard chain and anchor. Was surprised to find that the captain did not know where he was. We informed him where he was, and he accounted for his great blunder by the derangement of his chronometers, caused by the eighteen hours on the rocks. We saw that the ship was in distress, because of her rudder being slung by a chain, and steered by means of tackle. We sold Pelletier an anchor and chain, for which he paid us in gold-dust. He purchased of us some provisions. Have heard with astonishment of Captain Pelletier's condemnation by Haytian authorities as a kidnapper and pirate. That it was impossible for a vessel in her condition, and manned as she was, to be on such a mission. That it was impossible for a vessel to continue her voyage in the distressed condition in which we found the William, without first repairing damages.

(Sworn to before F. H. Ruggles, United States consul at Kingston, December 17, 1863.)

Here follow the affidavits of Robert Thomson, ship-master, of Grand Cayman; John Yates, seaman, of same place; F. H. Thomson, of Grand Cayman, all testifying to the principal facts as set forth in preceding affidavits. The only additional fact occurs in the affidavit of John Yates, who testifies that he was present when Captain Pelletier negotiated with one James P. Bodden for a load of guano for \$800, conditioned upon the sale of the pitch-pine lumber, in the hold of the William, by Captain Pelletier. That he knew of a negotiation for the sale of the lumber to Mr. Eden, which failed because Eden could only pay in mahogany. That Pelletier was compelled to leave that port in search of another market. All these affiants were familiar with the cargo of the William, and testify to the legitimacy of her voyage.

(These affidavits were taken before F. H. Ruggles, United States consul, Kingston, Jamaica.)

This guano-trade with Bodden explains the subsequent accusation made by the Haytians, that Pelletier endeavored to hire men and women

to go aboard his vessel and to accompany him to a certain island for the purpose of procuring a cargo of guano.

5. L'Instant Pradine, a prominent lawyer of Port au Prince, states in his letter to Mr. A. Folsom, commercial agent of the United States at Cape Haytien, speaking of the judges who sat upon Pelletier's case, "God alone could cause the light of truth to pierce those biased hearts."

* * * "The poor man is entirely innocent of all he has been accused with regard to these coasts." * * *

"To convict a man on his *presumed* intentions, when those intentions have not been manifested by any overt act, is exposing one's self to commit many a judicial blunder. Our judges have not sufficiently considered the matter." (Ex. Doc. 260, pp. 86, 87.)

6. Ex-consul J. N. Lewis, in a letter to Mr. Wilson, 14 Kilby street, Boston, Massachusetts, speaking of Captain Pelletier, says: "I am glad that he is free from that horrible prison where he has suffered so much, and hope he will get full satisfaction for all his wrongs and sufferings. Poor fellow! I don't see how he lived so long in that dreadful place." (Ex. Doc. 260, p. 88.)

7. William W. Wilson, of Boston, Massachusetts, deposes that he was in Port au Prince in May, 1861, and saw Captain Pelletier brought a prisoner in irons and marched through the streets shackled and bleeding from the galling of his irons, surrounded by a savage crowd pelting him with stones and cutting him with weapons, and he leaving a track of blood on the way; that he visited him in prison up to April, 1863, where he was confined in a dark dungeon, ironed and suffering for food; that Captain Pelletier was feeble and emaciated.

8. G. H. Mercer, of New York, swears that he was at Port au Prince in May, 1861; that he visited Pelletier in prison, with Mr. Wilson, and found him in a cell eight feet square, chained, and lying on the bare floor. We carried him food. That on leaving, Pelletier handed affiant his watch to buy him more food with, but the jailer seized it, remarking, "I will take charge of that."

The affidavits of Joseph McMurry, L. W. Tinnell, A. Wellington Heart, A. F. Favarger, J. H. Pomrony, Henry King, and M. Bell, all citizens of the United States, and business men of New York City, testify to the good character and business enterprise of Captain Pelletier. (See pp. 89 and 90, Ex. Doc. 260.)

9. Joseph Dubreuil, of New Orleans, Louisiana, testifies that for several years, including the period from 1855 to 1861, he was book-keeper for the firm of Delaunay, Rice & Co., of 16 Carondelet street, in the city of New Orleans, Louisiana, cotton merchants and brokers, and was familiar with the business of the firm. That he became personally acquainted with Captain Antonio Pelletier about the year 1859. That about the year 1856 Pelletier became interested in the business of the firm as a partner, investing the sum of \$30,000 in cash. That in the year 1860 there was an accounting of the said firm, and that it was found that the interest of Pelletier amounted to \$50,000, which remained in the business of the said firm. That in the fall of 1860, Pelletier fitted out and loaded at Mobile the bark William with lumber for Carthagena, and took on board the said bark William for purposes of trade in gold-dust, 36,000 French five-franc pieces, \$3,000 in American gold coin, and \$2,000 in Spanish-American gold coin; all of which passed through deponent's hands, and was by him delivered to Captain Pelletier on board the said bark William in the lower bay of Mobile. That deponent settled the account for repairs to the bark, for her provisions and cargo, all of which amounted to the sum of \$20,000; and further, that the

William at the time of her sailing was valued at \$35,000 or more. And deponent further says there was an understanding between the said firm of Delaunay, Rice & Co. and the said Pelletier that, after closing his business at Carthagena, he should load the bark with guano at some of the deposits in the Caribbean Sea and return to New Orleans, and deliver the same on account of the said firm.

10. Daniel Bowly, of New York, swears that he is an attorney of the Supreme Court of the United States, and of the courts of New York. That he has been during many years the attorney of Captain Antonio Pelletier, commencing prior to his incarceration in Hayti. That he had legal matters and proceedings in his charge for the said Pelletier amounting to more than \$400,000, and had the said matters been properly prosecuted or defended the same would have amounted to the sum of \$400,000; and that he as the attorney of the said Pelletier verily believes that, owing to his protracted imprisonment by the authorities of the republic of Hayti, the said Pelletier has lost the sum of \$400,000 and upward. (See Ex. Doc. 260, pp. 120 and 121.)

11. James R. Walter, of Grand Cayman, swears that on the arrival of the William at that port he went on board and engaged to supply Captain Pelletier with fresh provisions, such as sheep, pigs, potatoes, turtle, &c., for which Captain Pelletier honorably paid him. Relative to Captain Pelletier's using force of arms to force Juan Cortez into measures beneficial to said Pelletier, he solemnly swears to be false, as the deponent was a party concerned in the business and acted as crier. The goods not realizing suitable prices the sale was stopped. The next day Pelletier and Cortez arranged that Pelletier should purchase certain cargo on board the bark William, belonging to the said Juan Cortez, for the sum of \$1,000, which was amicably done. All the papers were made through an interpreter and seemed to be satisfactory to both parties.

12. Thos. S. Walker, sr., and W. N. Thompson both swear to the facts above given.

13. Domingo Martinez swears to the foregoing facts, and further, that he acted as *linguister* in the transaction between Captain Pelletier and Juan Cortez, and was perfectly familiar with all the circumstances of the transaction. That Cortez agreed to pay \$500 as passage and for being put ashore. That the goods were put up at auction and the sale stopped on account of the low prices, &c. And further, that deponent was employed to take Cortez from Grand Cayman to Kingston, Jamaica, which he did do in the schooner Caspian, during which time Cortez never stated to him anything against Antonio Pelletier.

14. William Eden, jr., of Grand Cayman, swears that on the 19th of December, 1860, the American bark William, Captain Antonio Pelletier, arrived in the harbor of Georgetown; that said Pelletier applied to him, William Eden, sr., consular-agent of the United States, being off the island, requiring him to extend a protest relative to circumstances which occurred during the voyage from Carthagena to Georgetown, which he did from the log-book of the William; that Pelletier stated to him he had goods aboard belonging to Cortez; that he desired a vessel to send Cortez to Kingston; that Cortez owed him \$500 to that date; that deponent agreed to advance on the goods the sum due Pelletier, but the goods proving damaged he refused to make the advance, and the cargo was put up at auction, but the sale was stopped, the prices being too low. Pelletier and Cortez had some contention about the matter in Spanish; that Pelletier agreed to give Cortez \$1,000 for the goods; that he made out a receipt for the same,

which was passed between them, apparently satisfactory; that Cortez was taken to Kingston in his schooner, for which he received \$100 from Cortez and \$150 from Pelletier, making \$250, the charge for the voyage.

(These affidavits are all attested by William Eden, sr., United States commercial agent at Georgetown. (See Ex. Doc. 260, pp. 125, 126, 127.)

15.

CONSULATE UNITED STATES OF AMERICA,
At Grand Cayman, December 20, 1860.

By this public instrument of declaration and protest, be it known and made manifest unto all to whom these presents shall come or may come, that on the 19th day of December, 1860, before me, William Eden, jr., deputy vice-consul of the United States of America for Grand Cayman and the dependencies thereof, personally came and appeared Antonio Pelletier, master of the ship or vessel called the William, of New Orleans, of the burden of two hundred and fifty tons, or thereabouts, now lying in the port of Georgetown, laden with a cargo of pitch-pine lumber, bales of tobacco, boxes of soap, and bags of corn, who duly noted and entered with me, the said consul, his protest for the uses and purposes hereafter mentioned; and now, on this day, to wit, the day of the date hereof, before me, the said consul, again comes the said Antonio Pelletier and requires me to extend this protest; and together with the said Antonio Pelletier also comes Samuel B. Gordon, mate, Charles Tiscomer, carpenter, James Anderson and William Smith, seamen of and belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say, that these appearers, on the 6th day of December, 1860, in the capacities aforesaid, sailed in and with the said ship from the port of Carthagena, laden with a cargo as aforesaid, and bound to the port of Rio Hache; that the said ship was then tight, staunch, and strong; had her cargo well and sufficiently stored and secured; had her hatches well calked and covered; was well and sufficiently manned, victualed, and furnished with all things needful and necessary for a vessel in the merchant-service, and particularly for the voyage she was about to undertake; that on the 6th instant, at 5.30 p. m., got under way and stood to sea from the harbor of Carthagena; at 8 a. m. came to anchor off Boca Chica; at 10 a. m. got under way and stood to sea; fresh breezes and clear; on the 7th pleasant weather, beating to windward; on the 8th commenced strong northeast gales; at 3.7 a. m. came to anchor off Point Canoe; blowing heavily, both anchors ahead with a heavy sea; at 5 p. m. hove up the best bower; at 6 a. m. parted the chain, blowing heavily from the northeast, made sail and stood to sea; on the 9th fresh gales and clear; at 2 p. m. carried away the outer bob-stay, the ship pitching very heavily; on the 10th strong gales and clear, ship laboring heavily, carried away the lashing of the spars and lost four pipes of water; nothing remarkable happened until the 16th, strong northeast gales and squally; at 2 a. m. sprung the main port trestle-trees; at 6.30 p. m. pleasant weather; at 1 a. m. cloudy and squally weather; at 3.30 a. m. wore ship and stood to the northward and westward; experienced strong current running to the westward; latitude 17° 54' north; longitude 79° 52'. On the 19th commences pleasant breezes from the north and east, all sail set. At 1 a. m. Mr. Juan Cortez, passenger, came to the said captain and requested him to change his course for the first port he could make, on account of the sickness of his wife, (passenger,) who was in danger of

abortion, and offering to pay all expenses that may be incurred, to which the said captain consented, and kept away for the island of Grand Cayman, and anchored at the port of Georgetown in said island on the evening of the 10th; and these appearers, upon their oaths aforesaid, do further declare and say, that during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said ship from all manner of loss, damage, and injury.

Wherefore, the said Antonio Pelletier, master, hath protested, as by these presents, I, the said consul, at his special instance and request, do publicly and solemnly protest against all and every person or persons whom it doth or may concern, and against winds, waves, and billows of the sea, and against all and every accident, matter and thing, had and met with as aforesaid, whereby and by reason whereof the said vessel or cargo already has or hereafter shall appear to have suffered or sustained injury or damage; and do declare that all losses, damages, cost, charges and expenses that have happened to the said vessel or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of said vessel, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

This done and protested in the port of Georgetown, Grand Cayman, this 20th day of December, 1860. In testimony whereof these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument, under my hand and seal of this consulate, to serve and avail him and all others whom it doth and may concern, as need and occasion may require.

ANTONIO PELLETIER,

Master.

SAM'L B. GERDON,

Chief Mate.

CHARLES TISCOMER,

Carpenter.

WILLIAM SMITH,

Seaman.

JAMES ANDERSON,

Seaman.

WM. EDEN, JR.,

Deputy Consul, or Agent, United States.

(See Ex. Doc. 260, pp. 127, 128, and 129.)

16.

STATE OF NEW YORK, *City and County of New York, ss:*

Domingo T. Castro, of the city, county, and State of New York, being duly sworn, says that he is well acquainted with Antonio Pelletier, formerly owner of the bark William, and has known him for upward of fifteen years, having had many business transactions with him and been familiar with his means and property during most of that time. That in the year 1859 the said Pelletier was the owner of several patents for the manufacture of shoes by machinery, and had a large amount of such machinery at the city of Troy, New York. That he was also engaged at the city of Chicago, Illinois, in a distillery and rectifying business, and while he was there deponent wrote to him proposing to introduce the manufacture of shoes into the island of Cuba, and offering to undertake the formation of a company in Havana for that pur-

pose. That an arrangement was made, and in the year 1860, Pelletier and deponent went to Havana and perfected the scheme, by virtue of which said Pelletier was to send out a large amount of machinery, and contribute \$20,000 in money to the capital of the company. That in 1861, the said machinery, to the amount of \$30,000 in value, was sent to Havana, and the said contribution to the capital of the company of \$20,000 was made a part of said sum, having been raised for Pelletier by deponent, upon the pledge of certain contracts for the purchase of lands in the State of Iowa, held by Captain Pelletier, on which he had paid upwards of \$20,000, and was thereafter to pay a further large amount to complete the purchase and secure a perfect title. That when the notice of the execution of Captain Pelletier in Hayti, which was copied into the Cuban papers from the New York Herald, was published in Havana, the affairs of the company, which before that had needed the personal attention of Captain Pelletier, fell at once into disorder, and all the property and investment which he had provided and made was lost.

And deponent further says that the said Pelletier at the same time was the owner of the exclusive privilege of introducing and selling railroad-chairs, which was granted to him by the government of Cuba, and was a monopoly of great value, for which he was offered \$75,000 in cash, but which he refused to sell, and remained the owner of and continued to supply the demand himself until his imprisonment by the Haytians deprived him of the power to attend to his business, and caused the forfeiture of the grant.

And the deponent further says that in consequence of said imprisonment of Captain Pelletier, and his reported execution, his contracts for the purchase of the aforesaid lands in Iowa were forfeited, and the money he has paid was lost, as well as the prospective value he would have received from the advance in value of the lands; and he, deponent, has also understood that property in Chicago, which was held by Captain Pelletier under a contract of purchase, was also lost for the same reason, and that in addition a large amount of personal property was sacrificed.

And deponent can safely say, that the damage to Captain Pelletier from the failure of the shoe company was at least \$50,000, and from the forfeiture of the grant for railroad-chairs was not less than \$75,000. The loss to him by the forfeiture of his contracts for lands in Iowa was much more than \$20,000.

And he has been informed that the losses of property, real and personal, in Chicago, which the captain suffered in consequence of his protracted imprisonment in Hayti, and reported death by execution, were more than \$100,000 in amount; and further saith not.

D. T. CASTRO.

Subscribed and sworn before me August 22, 1865.

[SEAL.]

S. HOSFORD,

Notary Public.

17.

STATE OF NEW YORK, *City and County of New York*, ss:

George Gray, of the city of Brooklyn, county of Kings, and State aforesaid, being duly sworn, says that in the years 1855, 1856, and 1857 he resided in the city of Chicago, Illinois, and has been there frequently since, or until 1862; that he was acquainted with Captain Antonio Pelletier, who was carrying on a large distillery and rectifying business,

and also an importing liquor business, having a large store at the corner of Lasalle and Illinois streets; that the store property of Pelletier was very valuable; that he did a large business, and had a large stock of goods in his store at all times; that deponent was in the habit of making large transactions with him for the firm with whom deponent was employed, and in the course of deponent's employment it became necessary for him to ascertain, and become acquainted with, Pelletier's condition, and deponent found he had real property to the amount of not less than \$100,000; that in October, 1861, the notice hereto affixed was published in the New York Herald, and thereupon the creditors of Pelletier seized his property by legal process, and it was sold at auction by the sheriff; that deponent attended the sale; that there was in distillery apparatus, fixtures, and merchandise not less than \$50,000 worth, at a fair valuation, all of which was sacrificed, and went for a mere fraction of their actual worth.

And deponent further says that the damage to Captain Pelletier, from his imprisonment and reported execution, by the sacrifice and loss of his property in Chicago, must have been at least \$150,000; and further saith not.

GEORGE GRAY.

Subscribed and sworn to before me August 22, 1865.

[SEAL.]

E. STEPHENSON,
Notary Public, New York City.

18.

[From the New York Herald, October 2, 1861.]

"Intelligence from Hayti, to the 7th ultimo, has been received.

"The slaver Captain Pelletier has been tried, condemned, and executed. Three companions have been sentenced each to five years imprisonment."

In concluding the history of this remarkable case we invite special attention to the fact that Mr. Secretary Seward, as appears from his dispatch (No. 36, Ex. Doc., 260, p. 56) to Mr. Whidden, was under the impression that Mr. Pelletier was not a citizen of the United States, which, however, is a mistake, his final papers bearing date October 6, 1852, and not as printed in the document before mentioned, (p. 85,) "October 6, 1862." (A certified copy of the naturalization paper being herewith submitted, and marked Exhibit A.)

Also, to the fate of the boy Lewis Lejaillon, who, from his cruel treatment and loss of blood from a wound inflicted in his neck by the Haytian mob, fell by the way side, and, being unable to proceed farther, the Haytian youths set upon him and punched out his eye-balls with pointed sticks; and while drinking from a stagnant pool of water in the gutter he was picked up by the hands and feet and cast over the wall into the prison-yard, where he soon after expired from his injuries.

Last, but not least, among the many severe afflictions that befell Captain Pelletier, because of his imprisonment and reported execution, was the loss of his wife and two sons. The former, abandoning all hope of the return of her husband, remarried; thus completing the tragic drama of your petitioner's misfortune. Thus was he bereft of wife and children, home and fortune, health, and future prospects.

With a firm reliance in the justice of his claim against the republic of Hayti, and upon the affectionate care of the United States for the humblest of its citizens, he respectfully asks Congress and the Executive to urge upon the authorities of Hayti reparation for the injuries so unjustly inflicted upon him.

And as in duty bound, will ever pray.

ANTONIO PELLETIER.

EXHIBIT A.

UNITED STATES OF AMERICA, STATE OF NEW YORK,
City and County of New York, ss :

Be it remembered that on the sixth day of October, in the year of our Lord one thousand eight hundred and fifty-two, Antonio Pelletier appeared in the court of common pleas for the city and county of New York, (the said court being a court of record, having common-law jurisdiction, and a clerk and seal,) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the directions of the act of Congress of the United States of America, entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed April 14, 1802; and the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States, passed March 3, 1813; and the act relative to evidence in cases of naturalization," passed 22d March, 1816; and the act entitled "An act for further addition to an act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824; and an act entitled "An act to amend the acts concerning naturalization," passed May 24, 1828. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required: Thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereto affixed, this 23d day of August, in the eighty-ninth year of the Independence of the United States.

By the court:

[SEAL.]

[Internal-revenue stamp.]

N. JARVIS, *Clerk.*

I hereby certify that the above is a true and correct copy of the duplicate of the original, it having been carefully compared by me with the original duplicate.

Washington City, 14th January, 1873.

[SEAL.]

EDM. F. BROWN,
United States Commissioner for the District of Columbia.